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BERLIN-GERMANY GROUP

S/P - George C. McGhee

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August 23, 1961

BERLIN-GERMANY GROUP

Interview with Mr. Escott Reid, Canadian
Ambassador to the FRG, by Mr. Owen and Mr.
Fuller, August 23

Ambassador Reid spoke on the Berlin problem from a background of 3½ years as Ambassador at Bonn. His views are purely his own and do not represent the official position of his Government.

He believes there are three vital, and hence non-negotiable, Western interests respecting West Berlin - its people's freedom, free access of goods and persons, and the presence of Western troops (his later proposal suggests that under different conditions, the last of these might be waived).

He feels it important to try, also, to preserve what limited freedoms East Berliners and East Germans possess. In this connection he referred to the activities of the SPD in East Berlin, and to Bishop Dibelius' assurances to him that the Evangelical Church in East Germany has much more freedom than, for instance, the Catholic Church in Hungary.

He favors increased contacts between East and West Germans, particularly in the economic, cultural and religious fields. Despite recent happenings he would try to keep Berlin as a meeting place for Germans, East and West.

He strongly favors early "exploratory talks" - not necessarily negotiations at the first stage - with the Russians.

As to what the West might propose as a way out of the Berlin crisis, he suggests an all-Berlin plan, although recognizing the difficulty of getting Soviet acceptance. His suggestion would be essentially as follows:

Unification

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Unification of Berlin under a Statute signed by the Four Powers, the two German governments, and Berlin representatives. This would incorporate solid guarantees of Western access, and freedom for Berliners under an elective government of their own choosing. It would supplant the present, somewhat "dog-eared" title deeds we now have derived from victory and occupation. The Statute would have no terminal date, but be valid until German reunification. There would be a substantial UN presence (as an optimum, full UN sovereignty over Berlin, as UN headquarters, until German reunification; more probably, a UN Commissioner for Berlin, responsible to the Security Council). There would be UN observers on access routes, at air control center, etc. There would be mechanisms for adjudication of disputes.

He admitted that the Russians would probably exact a high price for acceptance of an all-Berlin plan, which would require the removal of the GDR government from present East Berlin. But he believes that they are deeply worried about the wobbly condition of their East German satellite and would be interested in ways to insure greater stability in this area, as well as in their whole satellite empire. An all-Berlin plan might appeal to them by removing Berlin as an irritant in Soviet-Western relations, and also because Western acceptance of a Berlin Statute to which the GDR was a party, would mean a measure of de facto recognition of the GDR. Additionally, Western recognition of the Oder-Neisse line and promotion of augmented East-West German contacts would appeal as stabilizing factors.

His relations with Adenauer and von Brentano cause him to be hopeful of possible German acceptance of such a plan. He cited evidence, including that of UK experts at Bonn, that

West

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West German opinion is moving away from rigid insistence on German reunification in the measurable future, and toward a greater recognition of the realities of the situation. This change has been noteworthy over the last three years.

He suggested that sometime after the German election, the President might invite Adenauer to visit him, and then seek to win him over to such a proposed solution on the grounds that the Chancellor's oft-expressed hope for German unity is not now a realizable objective, but that a settlement of the sort indicated which would, nevertheless, mean "peace and freedom", might go down in history as Adenauer's last great act of statesmanship. In this connection, he thought Mr. McCloy's influence might be useful, as Adenauer had stated that McCloy was the only foreign ambassador that ever really won Adenauer's confidence.

He also noted that Ambassador Bruce, two years ago, had expressed to him views similar to those herein suggested.

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August 14, 1961

BERLIN-GERMANY GROUP

Interview with Ambassadors Kennan and
Thompson, August 11

Ambassador Kennan pleaded lack of full information on Berlin, but was disturbed by impressions of governmental and public thinking here. He questioned what seemed some underlying assumptions of our Berlin policy. Specifically, he made the following points:

1. We have overplayed our show of strength (the Yugoslavs had made much of this), Khrushchev is fully aware of our military power and has a healthy respect for it. What is needed is a clearer demonstration of our willingness to negotiate.
2. He questioned the view, prevalent in Washington, that Khrushchev had created the Berlin crisis in overbearing fashion to humiliate the US. Actually he was forced into his Berlin demarche by GDR weakness. He is greatly worried about this, also by 1958 Bundestag resolution approving atomic weapons for the FRG. This latter started Ulbricht's "bleating" about Berlin and may have been a main cause of the Soviet note of November, 1958. The Yugoslavs, in their recent Moscow talks, saw evidence of Soviet fears and vulnerabilities respecting Berlin. Khrushchev wants a way out.
3. We must distinguish between what Khrushchev wants and what he realistically expects to get. Kennan questions the order of Soviet objectives as sometimes stated in our working papers. There are really the makings of an acceptable "deal" over Berlin. He would have preferred a more radical, over-all approach along "disengagement" lines, for which he is abundantly on record, but realized that this approach had

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been emphatically rejected and is no longer "in the ball park". 1/

4. A "do-nothing" or "do-little" policy is not good enough. We cannot expect to continue to keep Germany completely divided, and at the same time keep Berlin vital and sound. We must move toward recognition of the actual state of affairs. This will probably mean: acceptance of Oder-Neisse, de facto recognition of GDR (but no admission of responsibility for keeping it in power), a European security treaty between the NATO and Warsaw pact countries. We might offer a modified all-German proposal, or some type of all-Berlin free, international city. We must point out to Khrushchev that a separate treaty would necessitate some new Berlin arrangement - it is urgent to consider and agree on such an arrangement which would improve, not worsen, the situation. Any Berlin arrangement of interim nature must include severance of Berlin-FRG political ties - a very difficult step but not impossible. Economic ties could be maintained.

5. As to tactics, the problem is insoluble if we try to condone all the inhibitions of our allies. At some point we will have to do violence to their feelings, for the alternative is war. The Germans are not too serious a problem - they will, under necessity, accept many things they do not approve. They want it documented that their acceptance was, to a degree, involuntary. This applies, perhaps in a lesser degree to the French. We must be firm in this, though we will have to walk a difficult tactical road. But we have no choice, as otherwise the road ahead leads to nuclear war.

Ambassador Thompson thought there was conflicting evidence as to Soviet motives. Khrushchev's last speech shows him "threshing around". He is deeply worried by increasing GDR weakness. He begins to wonder if he can split the allies.

Time

1/ See Kennan's article, "Disengagement Revisited", Foreign Affairs, Jan., 1959.

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Time periods are important in the Berlin affair. Right now there is great effort to line up neutral opinion. We should work on the neutrals and show Khrushchev he can't win this psychological battle.

He thinks Khrushchev feels insecure. He is pushed by the Chinese and by his colleagues, and feels in real danger. Either backing down, or letting matters go to the brink of war, would be very risky for him.

He believes that the Soviets are much interested in reducing the threat posed by a rearmed West Germany, particularly if it acquires atomic weapons. Their fear that the Germans are now getting them is a factor in their loss of interest in the test suspension talks. The Norstad inspection zone plan could not appeal to the Soviets, as they would see in it a device for espionage.

He noted we can choose whether to negotiate ourselves, or let the West Germans negotiate over Berlin. Unless we assume an initiative, there might be an overture, from either side, for Soviet-FRG talks. This could be undesirable and risky for us. We have the cards, much to offer Khrushchev, and the West Germans have very little. They might be induced to make a deal we could not accept.

He doubted the usefulness of an all-Berlin proposal. It would cause the Soviets to set their price too high.

Both Ambassadors agreed that what we mainly want is better access to Berlin. We should be "cut in" on technical aspects of Berlin-West communications (bridges, highway maintenance, canal locks, etc.) and not leave such determinations exclusively to the Soviet or GDR officials. Ambassador Kennan thought that perhaps some type of UN authority could be worked out. Ambassador Thompson believed even the Soviets might accept an international authority governing access if other aspects were satisfactorily dealt with. The question of refugees from the GDR would, in any event, be very difficult.

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August 3, 1961

BERLIN-GERMANY GROUP

Interview with Arnold Wolfers, August 3

Mr. Wolfers commented first on the "asymmetry" of Western and Soviet "positions of strength" respecting Berlin, the former being notably weak in certain ways. This we must keep in mind in all our pledges of firmness and determined action. Berlin is highly vulnerable and what we can hope to do to counter Soviet moves there by military, economic and other action is strictly limited. The attitude of our own allies is a factor of potential weakness, as they now labor under a misconception, namely that our policy is based on a bluff (of nuclear war) that will not be called by the Soviets. This explains European calmness in this crisis. They interpret US firmness as evidence that there will not be a war.

If, however, we approach the brink, and Europeans become aware that war is likely, or even a distinct possibility, they would lose their nerve. For they are convinced that if once the Soviet steam roller started moving it could not be stopped; also that any armed clash would quickly escalate to general war. Thus there are inherent elements of weakness in our position that we must weigh carefully as we approach possible negotiations.

For these reasons we must prepare for negotiations realizing that substantial concessions will be necessary. These can best be determined in the light of probable Soviet priorities. He believes that the main Soviet concern is the stability of East Germany; this explains Khrushchev's irritation and demands concerning Berlin.

In this connection, Mr. Wolfers felt that we would be hardpressed by our allies, other than the FRG, to recognize the GDR. He made the point that such recognition need not

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prejudice the case for ultimate reunification of Germany (he cited the instance of the merger of two sovereign states, Germany and Austria in 1938). He believed we might accord some form of de facto recognition of the GDR in connection with an acceptable arrangement on Berlin access. He thought this might be worked out so as to assure against further ventures in interfering with access and "hotting up" a Berlin crisis. The real sanction behind such assurance would be, however, the maintenance of Western strength.

Respecting Berlin, he thought we would need to modify our uses of it as one element in the "dynamic" of the West vis-a-vis the bloc. While getting full guarantees of the freedom of West Berlin and of our access rights, we would need to renounce certain "cold war" uses of West Berlin (show case, propaganda, espionage, etc.). These were our policies, not those of our allies. We could renounce them as part of a general arrangement insuring the essentials of our policy in a stabilized Central Europe.

Mr. Wolfers warned against making our policy too dependent on the whims of Adenauer - or de Gaulle. He thinks we have more leverage with Adenauer than we have used. We should, if necessary, press him by pointing out the consequences of an over-rigid policy; this could wear US patience thin and bring needless risk of war. Germany - as even the Germans admit - is not just a German problem, and we should draw the proper inferences. We should not be in the position of asking our European allies for softening of their rigidity to make negotiations possible; they should be urging us to make needed concessions instead.

As to the aspects of the crisis which transcend Berlin, he expressed the following thoughts. We should emphasize self-determination but as applied to all the satellite peoples, not just Berlin or East Germany. The Soviets will not permit free elections in East Germany, but they might make some concessions on over-all matters because of

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their fear that a rearmed West Germany might embroil the US in a war with the Soviets. The Oder-Neisse line is of more concern to Poland than Russia; in fact the latter sees advantage in this "bleeding boundary" in that it makes Poland dependent on the USSR so long as it remains unsettled.

He saw little prospect of much intermingling of East and West Germans. But we should seek to expose the GDR to West German influence - this would help to stabilize the situation there. On the whole it was better for us to try to stabilize East Germany - and Eastern Europe - than to aim to "keep the pot boiling" there. Time could work to our advantage.

Regarding a "peace treaty", he saw little advantage in it. Yet he noted that occupation rights wear thin after 16 years and new arrangements seemed called for, pending a lasting settlement.

S/P:LW²⁰⁹Fuller:jco

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August 2, 1961

BERLIN-GERMANY GROUP

Interview with John J. McCloy, August 1, 1961

Mr. McCloy spoke mainly of his recent talk with Khrushchev, mostly on Berlin, which preoccupied the latter far more than disarmament matters.

In essence, Khrushchev took the same position as at Vienna, in his talks with the President and in the June 4 Memorandum. He would not negotiate on Berlin as such, and if we will not enter into negotiations on related issues as he has defined them, he will, by the end of the year, sign a separate treaty with the GDR. This will extinguish our rights in Berlin, and these can be revived only by negotiation with the GDR.

Khrushchev reiterated his readiness to discuss a peace treaty, either with East Germany or all-Germany (he later appeared to mean both Germanies, as he strongly discounted any early prospect of German reunification, which he doubted anyone really wants). He would give us such guarantees re Berlin as we needed, but drew the line at admitting free elections in East Germany - these would only mean the end of Ulbricht and handing over East Germany to Adenauer.

He reacted indignantly to the President's Berlin speech, which he seemed to view as an ultimatum (though he is, or pretends to be, oblivious of the ultimative nature of his own demands). He ridiculed the US and Western military build-up, saying he could and would more than match any Western move. He argued that conventional build-up was absurd, as any war would be nuclear. It would mean immense losses (perhaps 200 million casualties for US and USSR) and the destruction of Europe. He argued that war is needless - why fight over Berlin? There was no real or insoluble issue between us.

Khrushchev

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Khrushchev indicated that he had no fear of West Germany per se (with ironical reference to "your relative Adenauer") but he did fear that West Germany might embroil the US and USSR, particularly if armed with nuclear weapons. He felt that the two super-powers should be able to get together and make a deal that would extinguish the German menace once for all.

Despite his alternating moods of threat and good fellowship, Khrushchev seemed anxious for talks on Berlin and German problems, in fact impatient to begin them soon. Although adamant on some things - termination of the "occupation" of Berlin, no political connection between West Berlin and West Germany, de facto recognition of the GDR - he indicated some possible areas of negotiation.

For instance, he might consider some modification of Amb. Thompson's "two treaty" approach, provided that the Western powers sign also the treaty with East Germany. He would reject, however, a Berlin corridor to the West under exclusive Western control.

It was doubtful if he would react favorably to his "seven year" modification of the Western Peace Plan, although he might accept it, finding an easy "out" at the end to avoid all-German elections. He spoke of inter-German relations, possibly even confederation, as something for the two Germanies to work out.

He seemed favorably disposed to some kind of UN presence in West Berlin, perhaps neutral UN forces if we objected to any Soviet presence in a "Free City" arrangement (McCloy himself spoke favorably of putting all or part of the UN in Berlin).

He was likely to make greater concessions to the West on Berlin if we would sign a treaty with the GDR than he would otherwise.

He repeatedly stressed his willingness to give us all reasonable assurances concerning access to Berlin under such a treaty.

Mr. McCloy

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Mr. McCloy felt that Khrushchev's prestige was deeply committed in the Berlin crisis. He can scarcely back down without unacceptable political loss (we must seek a way to let him down without such damage). He is a dangerous man, and will be more so if he feels cramped or subject to intolerable pressure. It is essential that the West take the diplomatic initiative, and quickly (he deplored the delay inherent in getting clearances under coalition diplomacy).

As to Khrushchev's motivations and intents, he feels that he is extremely confident, yet has difficulties and pressures with which he must reckon. The domestic situation and general popular sentiment create problems for him. He sees the crisis as a test of wills, cannot give in on what he deems essential, yet is fearful of the eventuality of war which he is shrewd enough, despite his bold talk, to see as a calamity for Russia as well as the West. He admits that somehow we will have to act, on both sides, to move away from our present "collision course".

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DEPARTMENT OF STATE

POLICY PLANNING COUNCIL

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July 31, 1961

TO: Mr. McGhee

FROM: George A. Morgan *GAM*

SUBJECT: Germany and Berlin

As you know, Jimmy Riddleberger probably has been longer on German affairs than any other officer in our service. I had a chance to ask him today for his thoughts on Germany and Berlin. He said that he was thoroughly out of touch now but would be glad to send us any ideas that might occur to him later.

The one idea which he did mention today was the internationalization of Berlin, which he referred to as a possibility long familiar. He did not advocate it strongly but he did seem to think of it in a favorable light. He said there were a number of ways in which it could be done. It might be set up along the lines of Danzig before World War II, which was administered by the League of Nations High Commissioner, or the UN Headquarters might be moved there.

cc: Mr. Fuller
Mr. Owen
Mr. Lindley

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DEPARTMENT OF STATE

July 27, 1961

BERLIN-GERMANY GROUP

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Interview with Walt Rostow, July 26

OFFICE OF DIRECTOR

Mr. Rostow thought there would be great pressure on us from now on to show a readiness for negotiation, both from our allies and from neutrals. The world is anxious to know what "political track" we will follow. Much will depend on the Soviet reaction to the President's speech, whether Khrushchev will expedite military escalation, or push for negotiations.

He felt that the Soviets are acting in the belief that a major shift in the world power balance in their favor has occurred, that they can exert nuclear blackmail effectively, that the Western alliance will not cohere in the face of these facts and threats. They are puzzled that we do not accept these "realities" and respond accordingly. It will be very hard to persuade them to modify their course under these circumstances. We should not be hopeful of a radical turnabout by the Soviets, but seek an acceptable diplomatic way out for them which they might adjust to without serious loss of face.

He noted that the Soviets possess a considerable asset vis-a-vis Bonn, that is their power at any time to draw the FRG out of NATO by offering German reunification on the basis of really free elections as a quid pro quo (Mr. Kissinger added that we should try to find out what the West Germans could not refuse if offered by the Soviets). Hence it is extremely important for us to enter into closer communication with Bonn, and "build a level of confident discourse" with them. Otherwise they might slip away from us at a critical juncture.

On the other hand, the Soviets have a great liability in Ulbricht and his type of regime. He blackmails them from weakness, threatening collapse if not fully supported in his demands.

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demands. This opens up the possibility of Soviet-Western cooperation on the basis of furthering a change in the GDR toward something more stable, valid and respectable - a development to their advantage as well as ours. The Soviets are tired of GDR blackmail, yet they, like ourselves, fear the consequences of a blow-up in East Germany that could bring unforeseeable consequences.

Mr. Rostow outlined a range of possibilities for negotiation. We must not see Berlin in isolation, yet must not raise our sights too high. At first, i.e., before an acute crisis stage, we might consider these alternatives:

1. Have a big, prolonged conference on the German problem as a cover for achieving a modus vivendi on Berlin.
2. Accept an East German peace treaty with a sort of "dual mythology" about it, they considering it as recognition and assurance of sovereignty for the GDR, and we obtaining a real, possibly tacit, assurance that our access to and rights in Berlin would be respected.
3. Conduct negotiations on Berlin, along with German talks, as in 1959, to confirm essentially the status quo.
4. Make a deal with the Soviets whereby we would accord de facto recognition to a respectable successor regime to Ulbricht (just how this could be achieved was not made clear; he admitted that the Soviets could not afford to dismiss Ulbricht out of hand). Some acceptable formula on Berlin would be found to disengage Soviet prestige. German reunification would have to be worked out gradually over a prolonged period by the FRG and a non-Ulbricht East German government. The Soviets would not settle for any really free all-German regime within the foreseeable future.

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On the all-German front, our first move probably should be to offer a modified version of the Western Peace Plan, perhaps along the lines of Amb. Thompson's seven-year extension (presentation of the 1959 package proposal without change would be regarded by Europeans and world opinion as completely unrealistic, a "brutal joke".) We must seek some formula that will reconcile freedom with Soviet security. It would be difficult for the Europeans, as well as the Soviets, to accept a reunified Germany 80 million strong with no restraint on its military power. The revised Plan could be correlated with our modified disarmament proposals as now being developed.

Mr. Rostow made these further points:

We should have contingency plans ready for a possible explosion in East Germany. We could not face another "Hungary".

If we move through a stage of acute crisis over Berlin and East Germany, we could not revert to the status quo. We would be under great pressures for a more radical solution. Something "broader, brisker, more surgical" than our 1959 proposals would be needed.

The Soviets badly want stability in Eastern Europe and would pay a substantial price to get it. The crux of real stability would be a post-Ulbricht regime with elements of stability, respectability and popular support (he discounted prevalent belief in the basic economic weakness of the GDR, noting CIA reports to the contrary).

Current moves for a Western military build-up in Europe amount essentially to a US-West German bilateral build-up under a NATO cover. Little can be expected from other NATO members.

We should, fairly soon, start a dialogue with the Soviets on the substance of a Berlin settlement (with whatever all-German or other trimmings are necessary).

A controversy

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A controversy developed regarding the feasibility of promoting closer GDR-West German relations as an aspect of a developing settlement. This was favored by Mr. Rostow, with the proviso that there be a "change" in the GDR, and also by Mr. Chayes, who strongly supported some sort of "institutionalizing" of such relations. Dissenting somewhat were Mr. Vigderman, Mr. Kissinger and Mr. Owen. The former noted that the West Germans have been extremely reluctant to have any contacts or relations with even a slight political flavor. It is a matter of principle with them that they alone are the true German successor state, and that the GDR is only a Soviet puppet with which it is futile to negotiate. They fear even de facto recognition. It would take a very big push to get them to move closer to the present GDR regime.

Mr. Kissinger observed that the Soviets must decide whether they can ever afford to give up East Germany. There is no present evidence of such willingness. We might make a long term proposal which they would now reject but which might contain real elements of appeal to them for the future, providing for better assurance of their security than holding on to a dissatisfied East Germany that would always be a vulnerable part of their domain.

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July 24, 1961

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BERLIN-GERMANY GROUP

Interview with Gerard C. Smith, July 21

Mr. Smith, referring to the efforts of the US to find a Berlin solution over the last 2½ years, remarked that it is difficult to come up with new or satisfactory answers. He thought the "Solution C" proposal still had much to commend it (see Doc. G, annex; this, in essence, would freeze existing rights and arrangements, but with the GDR playing an implementing role).

He believed that if a real test of wills ensues, we should not go back to the status quo. Admitting that, for the time, German reunification is not feasible, we should aim at a practical Berlin arrangement, possibly along lines of the "guaranteed city" proposal (we could even call it a "free city" as a concession to the Soviets). There would be an international authority regulating access to Berlin, with power to establish easements as needed - levy tolls, issue bonds, set up agencies, etc. Both the Western powers and the GDR would release their rights respecting the access routes to such an authority, which would thus exert restraints on certain aspects of sovereignty analogous to the High Authority of the European Coal and Steel Community, for instance. He thought it might limit its control to highway and air access, excluding rail transport.

He expressed concern at the West German attitude. Adenauer was unduly afraid of contacts with the GDR. West Germany had great advantages - why not exploit them? Even a prospective confederal arrangement need not alarm the FRG, which should easily dominate it. We should press Adenauer along these lines. He feared that our current emphasis on military build-up was risky as, in the crisis, the West Germans would not face up to a nuclear war. In the event, Adenauer must go along with our demands for a more forthcoming attitude toward the GDR.

We should

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We should capitalize on the Soviets' vulnerable posture in Berlin - their long communications lines, logistical problems, justified doubts of East German and satellite popular attitudes. There were questions of how the Soviet troops would behave in contact with the Germans - fraternization would be a problem. He doubted if the Soviets really wanted a great "Fatherland war" over Berlin. We should not hesitate to stigmatize Soviet acts as intervention, even when by proxies. Make it clear that the Soviets are on the aggressive, stirring up trouble.

He reverted, as he had done before (on June 19) to the West's non-military assets in countering the Soviet squeeze on Berlin. The West possessed, for instance, vastly greater economic resources, and a virtual monopoly of sea power. We should explore ways to bring these assets to bear. Psychologically, we should make clear that the Soviets are committing aggression, that if they move on Berlin they will kill "co-existence", to which they attach so much importance, that they will nullify all their hopes for "normalcy" and respectability. In short, we must make evident to them that the costs of what they propose are excessive, that the game is not worth the candle. If we make clear to the Soviets the real cost to them of an attempted limited takeover in Europe, it would shake them.

He expressed the view that we should look beyond the present emergency and seek a basic solution in Central Europe. Kennan is right, that US troops cannot stay there forever. Eventually there must be planned withdrawal of foreign forces as Germany herself assumes new power and importance. We can still remain a great and influential power even after withdrawing from Central European territory.

Further points made by Mr. Smith were:

We should not object to prolonged negotiations on Berlin and Germany. There is the Austrian precedent.

We should

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We should exploit the legal - and common sense - principle of survivor's rights after dissolution of joint tenancy. If the Soviets renounce their rights in Berlin, we, not the GDR, inherit them.

We should avoid over-commitment, especially military, to the point that it is difficult and almost impossible to free ourselves.

We should note Selwyn Lloyd's warning, "if Berlin goes, what next?"

There is a different mood today as compared with 1959, more danger of impatience leading to irrational acts, a kind of "lash-out".

We should beware of sham concessions by the Soviets. They have built up high tension on Berlin. An offer by them to relax this tension would not justify substantial concessions by us. We must be careful, in bargaining, to exact a full and equivalent quid pro quo for any concession we make.

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DEPARTMENT OF STATE

EMBASSY OF THE UNITED STATES OF AMERICA

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OFFICE OF DIRECTOR
S/P

July 3, 1961

acknowledged 7/12

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GCM

Dear George:

Thank you for your letter of June 21, 1961. I have recently been reading over certain despatches sent by me from Bonn two years ago, that I believe are still pertinent to the present situation. They are the following numbered telegrams:

Feb. 16, 1959, to DEPT 1779
Feb. 16, 1959, to DEPT 1780
Feb. 17, 1959, to DEPT 1795
Mar. 2, 1959, to DEPT 1899

ordered 7/10/61 thru RM/IA

Returned GER
Hellenbrand
8/24/61
826234
J.E.

I would make the following observations in addition to what I then said.

(1) I believe a negotiation is inevitable, and on the whole desirable, in connection with what will undoubtedly be a new Berlin crisis. This time I trust we will not go prepared with fall-back positions--which are generally known to the Soviets in advance--but will insist on a hard line with a view to smoking them out before we disclose our own hand, whatever it may be.

(2) I do not feel that the Soviets would accept either of the two solutions which might reduce present tensions: (a) the cession to the Federal Republic of a corridor from West Berlin to West Germany; or (b) a reservation in their proposed peace treaty with East Germany providing for the retention by the Soviets of their control over the check points, or lacking that, a written statement declaring East German officials to be Soviet agents in this respect.

/I have

The Honorable

George C. McGhee,

The Counselor,

Department of State,

Washington

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I have never thought the question of UN presence in Berlin has been explored as fully as it might have been. One extreme solution could be the shifting of the UN capital to Berlin. This would, of course, run into many objections. Failing that, is there any way by which there could be so much UN presence in West Berlin as to make it improbable that the Soviets or East Germans would interfere with the freedom of its citizens?

Actually, any solution for West Berlin should include in its scope East Berlin as well. As regards sentiment in the UK, I do not fear any departure from our point of view on real fundamentals. It seems to me that Lord Home, especially, is more realistic and tougher than were his predecessors on this subject. Nor do I think we need concern ourselves too much over Adenauer's lack of imagination in offering new departures from established policy. He will, I surmise, cling to insistence on the status quo. This may prove to be the best we can do. But whatever decision we make, he will have to abide by.

As you know, there is strong sentiment here, as well as in Europe, in favor of recognizing, at least de facto, the East German Government. Such a step would, in my opinion, be utterly unwise. There are many reasons against taking such a step. One of the principal ones is that no West German Government could long survive if this were done under present conditions.

I wonder if you have given consideration to the possible advisability of having at some time, when your studies have further evolved, Messrs. Clay, McCloy, Conant, Dowling, and myself, come to Washington and spend two or three days together in conference with your staff. I should be happy to do this, preferably in August or September, since the situation may be somewhat clearer then--if you thought well of it.

Loett?

With warm personal regards,

Ever yours,

David

David Bruce

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July 5, 1961

BERLIN-GERMANY GROUP

Interview with Mr. Nitze, July 3

Mr. Nitze considered mainly four questions:

1. How can we hold the alliance together?
2. How can we best deter the Soviets from dangerous acts re Berlin?
3. What course should we take if the Soviets carry out their announced intentions?
4. What ways out of the dilemma may be found through negotiation?

He went into a calculus of risks. There is, perhaps, an element of bluffing on both sides, as neither really considers Berlin worth a nuclear war. The Soviets might reasonably take up to a two percent risk of such war; the West up to five percent (several felt that the risks subjectively assumed on both sides were more nearly equal and perhaps higher than estimated, and this increased the danger of brinkmanship over Berlin).

Successful deterrence of Soviet action might depend on our convincing the USSR that we were capable of going to irrational lengths to defend Berlin (Mr. Chayes thought this would create a difficult public opinion problem; Mr. Lindley agreed, noting that the public is not aware of gravity of situation, believing Khrushchev will, in ^{the} event, back down on Berlin. It will be difficult to win public support for early steps needed to exert a deterrent effect). A probe with small forces in the post-treaty stage of crisis

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would convince the Soviets we were not ready to risk war. We would then be left with the inevitable alternative, assuming we did not back down, of developing graduated demonstrations of military force to the point where, by threatening the Soviets with ultimate escalation all the way to general war, they were convincing as a deterrent. This would be extremely dangerous, could get out of hand and result in war neither side wished.

Mr. Nitze put much stréss on his fourth point - finding a way out of the crisis through negotiation. The Department, and S/P in particular, has an important role here. He sees little opportunity now for negotiation; there will probably be a better chance later after mounting tensions have driven home the necessity for a diplomatic way out. We should plan ahead now for this contingency and be ready with proposals (as to timing, he seemed to think in terms of the period after signing of a separate treaty, but others suggested that an earlier point, perhaps directly after the September elections or at the time of convoking a peace conference by the Soviets, might be better). We should explore a wide range of possible solutions, such as an all-German proposal, moving the UN to Berlin, an expanded corridor fully under Western control, a trade of West Berlin for Thuringia including some exchange of populations. In general, he believes that the more fully we become engaged in a military sense as the crisis progresses, the more radical the solution will need to be.

We should, as the risk rises, be fertile in ideas about alternative courses of action. One possibly fruitful line of thought is to develop courses that would force the Soviets to resort to obviously offensive acts to attain their ends, such as blockading Berlin, attacking Western planes engaged in airlift, and the like (we won the 1948-49 round because the Soviets did not dare to shoot down our planes supplying Berlin). Our diplomacy should, to the end, leave no doubt as to who is the aggressor in forcing the Berlin situation to the brink of war. Such a posture will be helpful in mobilizing world opinion in our favor, and possibly deterring the Soviets from taking the final step to general war.

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OFFICE OF DIRECTOR
S/P

ADDRESS OFFICIAL COMMUNICATIONS TO
American Embassy,
Belgrade, Yugoslavia,
June 30, 1961

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Dear George:

I have your letter of the 21st, inviting my views on the subject of Germany, and I am somewhat at a loss to know how to respond. My relation to this problem is, as you probably know, an unusual one. I have had the rare experience of living in Germany in the Kaiser's time, in the period of the Weimar Republic, in the Nazi period, and -- briefly -- in the post-war era. I have served a total of over five years in Germany, plus one year each in the neighboring capitals of Vienna and Prague. In addition to going to school in Germany as a boy, I had two years of postgraduate education there. I know the language practically as my own, have written and published books in German, and have lectured freely, in the vernacular, at German universities. For these reasons I have, as you can imagine, a keen interest in German problems. Although I cannot recall having previously been asked for any views about Germany by the Department, I did -- on two occasions, during my recent years of retirement -- make public statements on problems of policy towards Germany.

The views expressed on these occasions were not well received in official circles in Bonn and in Washington, and drew the particular approbrium of Mr. Acheson, who, I understand, has now been selected by the President to lead and coordinate the work of formulating policy recommendations with regard to Germany.

You will understand that I am constrained to wonder, in these circumstances, whether I am a proper person to speak to these matters. Advice as to how to make our established line of policy successful in the face of Mr. Khrushchev's pressures would more naturally come from those who understand the rationale of this policy better than I do, and to whom the evidence of its merits and possibilities is more persuasive. However, I appreciate your inquiry, and am glad to offer the following, for what it is worth.

You will

The Honorable
George C. McGhee,
The Counselor,
Department of State,
Washington 25, D. C.

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George C. McGhee

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June 30, 1961

You will probably be aware that for a period of some twelve years I have considered that, rather than taking a merely negative position toward the problem of disengagement and German unification, we should take a positive position, stating the terms on which we would consent to discuss a change in the present status of Germany: terms which would take some account of Soviet interests as well as our own. These terms, in my view, would not need to be ones immediately acceptable to the Russians; they could, in fact, and should, be stiff ones, fully adequate to the protection of western interests and the interests of the people of Western Berlin and Western Germany.

You will find the first statement of such views in a Policy Planning Staff paper written, as I recall it, around the end of 1948. The circumstances have of course changed since I wrote that paper, as they have since the Reith Lectures were delivered in 1957. In particular, one must bear in mind the present state of public opinion in the West. So assiduously have people in the western capitals labored, in recent years, to establish in the public mind the proposition that no alteration in the present arrangements governing Germany and Berlin could be anything but disastrous to the western world, that it now would take some very skillful and intensive preparation of public opinion to create an atmosphere in which anything positive could safely be proposed or discussed. This caveat applies to all that follows.

It has long been my belief that the present status of Berlin is not the only one that could be devised with due regard to the liberties of the people of the western sectors and the interests of world peace. I could conceive, for example, of an arrangement under which all four sectors of the city would be internationalized, the East German Government and all Soviet garrisons required to withdraw to a distance at least as far from the city as the present West German boundary, and the channels of communication connecting the city with the outside world guaranteed as a right rather than conceded as a privilege; and I can conceive that such a solution might well leave the people of Western Berlin no worse off than they are today. I personally think that the idea of moving the United Nations to Berlin, in connection with such a scheme, should not be entirely excluded from consideration. New York, with its heterogeneous population, its large number of political refugees of all sorts, and its explosive Negro and Puerto Rican problems, is obviously not the ideal place for the Organization. Berlin has the necessary space, the atmosphere, the detachment, and all the amenities of a great city. The presence of the Organization there would obviously lend to any new arrangement a stability such as could be given to it in almost no other way. I should think that in return for such an arrangement we ought to be quite happy to give the Russians generous guarantees that the city would not be exploited by anybody for purposes of secret intelligence-gathering or political intrigue.

Such proposals might not be acceptable to Moscow, as they stand; that is scarcely to be expected; they are thought of only as an opening gambit--an asking price. But they would, in my opinion, constitute a better foil

to Mr. Khrushchev's

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George C. McGhee

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June 30, 1961

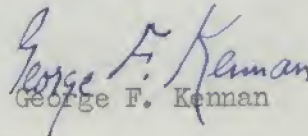
to Mr. Khrushchev's initiatives than the endless repetition of the primitive and not very meaningful assertion that "we will not yield an inch in Berlin." They would presumably also not be welcomed in Bonn. This would, admittedly, constitute a difficult problem. However, it is my feeling that, just as war is too important to be left to the generals, so the German problem is too important to be left to the Germans. Is it really preposterous to suggest that the Germans, who have after all a certain responsibility for the war that has led to these confusions, should not be asked to make some contribution to their liquidation, at a moment when they have come to constitute a real threat to world peace?

I must confess that if the domestic political convenience of the Adenauer government is to be regarded as the overriding dictate of western policy, I see no constructive move that can be taken in the Berlin problem. But if we are to set our sights higher, I see no reason why positive proposals, by no means disastrous to ourselves, could not be devised.

I state these thoughts with some hesitation lest they be mistaken for firm and considered recommendations. I do not consider myself qualified to make any such definite proposals or recommendations on the question of our policy toward Germany. I do not have the necessary facilities for the study of this problem, and do not pretend to have occupied myself with it in the responsible and systematic way which alone could qualify a person to make recommendations of this nature. I merely wish to say that our continued negative position seems to me both sterile and dangerous at this juncture, and I continue to be reluctant to believe that it would be beyond human ingenuity to devise proposals which, while not betraying vital western interests, would ease Mr. Khrushchev out of the box in which he has placed himself and would give greater hope of coping with the dangers now confronting us all.

I would think it well for us to put forward proposals along this line in the private counsels of the NATO group, even if they should not prove acceptable to our allies and even if we found it necessary, in the end, to yield to contrary opinion. What is at stake here, after all, may well turn out to be war or peace. The least we can do is to make sure that our own position, at this crucial moment, is as imaginative, as flexible, as hopeful, as it can be made. If the Europeans wish to drag their feet, they must then accept a greater measure of responsibility for coping with whatever complications may ensue.

Sincerely yours,


George F. Kennan

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This document consists of 3 pages
No. 1 of 10 Copies, Series A

June 29, 1961

BERLIN-GERMANY GROUP

Interviews with Schelling and Harriman, June 28

Mr. Schelling dealt first with the military aspects of the Berlin crisis. He holds that Khrushchev is not mainly concerned with Berlin as such, but sees it as a test of the will and skill of the West. The latter is important, as Khrushchev fears above all an accidental war over Berlin.

We might, therefore, determine a bright, clear line which, if crossed, would trigger limited military action on our part. Such a line, presumably, could be more clearly identified in connection with interference with military access than interruption of civilian supply. We must present a credible military threat at some stage. Limited war would not be directed so much at tactical military objectives as at political-psychological ends - to demonstrate a rising scale of risk that could escalate to general war. We might even fire a few small "nukes" as a "shot across the bow". Another aim of limited military action could be to create disturbances in Eastern Europe. Such actions would have mainly a deterrent purpose, showing how important we consider Berlin as a focal point of global conflict, and bringing pressure on the Soviets to seek a negotiated solution.

He thinks of possible "discriminating" use of nuclear weapons by us at the military stage of a Berlin crisis as useful in underlining the seriousness of our purpose. We might commit other acts of "calculated recklessness" to the same end, such as fomenting disorder in the GDR, giving Davy Crocketts to Hungarian freedom fighters, renewing U-2 and B-47 flights, imposing selective naval sanctions, etc. He stressed the need for tighter controls over nuclear weapons; such cautionary measures would be seen by the Soviets not as evidence of weakness but of strength and firmness of purpose.

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Military planning and action re Berlin should be closely related to specific political objectives. As the military stage of the crisis is reached, both sides will be deeply impressed with the risk of general war; both will want a "tolerable cessation" of the crisis. We should not aim at mere reversion to the status quo, for this could generate new crises. There will be an acutely felt need for steps to do two things in Central Europe - to stabilize strategic deterrents, and to effect regional disarmament in the area.

Khrushchev is now too fully committed to a peace treaty to back down, and to a separate treaty if necessary. Once we have gone through the acute military phase, the psychological pre-conditions for negotiation should exist. In preparation for that possibility, we should study means of regularizing the legal status of Berlin and access thereto, perhaps for a ten year period. This might involve some border adjustment to give the West a corridor under its own jurisdiction, with suitable compensation to the GDR. The main criterion of a settlement should be what is enforceable by military action if need be. There must be adequate insurance against unilateral interference of any kind. Political objectives and military requirements must be harmonized in such an arrangement. It should be of such a character as to give at least a "modest legalistic cloak" for military action we might feel compelled to take to enforce our rights in the future.

Ambassador Harriman, drawing on his talks with Khrushchev and recent experiences at Geneva, felt that the main Soviet concern was to stabilize Central Europe. He thinks there are possibilities for negotiation, perhaps involving some degree of recognition of the GDR, acceptance of the Oder-Neisse, and assurance that West Germany will not be permitted to develop a nuclear capability. He feels that arrangements on Berlin can be worked out in such a

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context. Khrushchev is so deeply committed now, and overconfident, that mere words or bluster on our part will not influence him. What will is "how we live", how astutely and courageously we act throughout.

He differs from Mr. Acheson in believing that negotiation is possible, perhaps before the crisis has fully developed. We might do better to press for negotiation before Khrushchev signs a treaty. He resents Adenauer's rigidity which, he thinks, hampers our freedom of action in resolving the crisis. We should be discriminating in what we will go to the brink for - certainly not just to preserve West Berlin as a show case, propaganda center, or escape hatch for refugees.

He stresses recognition of the GDR as a main bargaining counter. But we should not give this merely to maintain the status quo - we must obtain substantial improvement in the situation and firm assurances for the future.

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June 28, 1961

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BERLIN-GERMANY GROUP

Interview with Mr. Bohlen, June 27, 1961

Mr. Bohlen believes it important to determine the true Soviet purpose - is it mainly to challenge and test Western will, or is it rather to stabilize Central Europe? He thinks it is the latter, which would involve some kind of Western recognition of the GDR, and the fixing of Germany's eastern frontiers. Berlin is important, but as a pressure point or fulcrum which Khrushchev uses in hope of wresting desired concessions from us.

A weakness in our posture is that we constantly say no to Soviet proposals. We should put Khrushchev in the position of saying no to our proposals. Or, better, we should explore the possibility of offering him an "out" at a well-timed moment. He seemed somewhat defensive in his latest statement on Berlin. If we merely make a public show of strength and determination, we may force him into dangerous courses. We need a policy that blends both the clear evidence of our firmness in holding to essentials, and a willingness to offer reasonable proposals as the basis for negotiation.

The Soviet Aide-Memoire suggests possibilities of a compromise settlement - we should study it with this in mind. But our reply should not, at this stage, make any counter-proposal. Eventually we should be prepared to make one. It is difficult to see how this could relate to Berlin alone without making one-sided concessions to the Soviets. It should include elements of a broader agreement than one confined only to Berlin.

We should determine whether the division of Germany is likely to prove permanent. If so - and he inclines to this view - we would do well to recognize the GDR soon

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as part of a deal, rather than be forced to such action later with no compensatory gain.

Other points made by Mr. Bohlen were:

It might be useful to send someone to Europe to take diplomatic soundings among our allies on Berlin. It is especially important to hold the British in line.

The French view that in the event of restriction of access we should try an air-lift first has much to commend it.

Adenauer might be more relaxed after the September election and more inclined to consider a negotiated settlement.

Mr. Hillenbrand made much of the consideration that we dare not make any move without Adenauer's approval. Germans still attach great importance to reunification as a long-range goal. Any act prejudicial to this end, such as recognition of the GDR, would be unacceptable. Post-Adenauer leadership in West Germany will be neo-nationalist, will look both East and West, and could seek to make a reunited Germany a "bridge" between them, even at the expense of NATO (several dissented, suggesting that West Germany is firmly tied to the West and has no real alternative, but Mr. Hillebrand thinks this relationship will require a decade or more to become strong enough to resist the lure of the East).

He took a dim view of the possibility of securing firm access to Berlin, by a corridor or other arrangements, through a trade for GDR recognition. The Soviets would probably not grant us a corridor on acceptable terms. Any alternative arrangement about Berlin would depend on Soviet good faith and hence be unreliable.

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He thought it critically important just when and how we demonstrate or apply force in a developing Berlin crisis. It is important that we pick the right issue. If, by an early manifestation of strength, we build up to a crisis prematurely, perhaps this summer, we might find it difficult to sustain Western morale until the crisis is resolved, and there could be a dangerous let-down later before that stage.

Mr. McGhee asked what we might be able to do to satisfy the Soviets, particularly respecting the GDR. Mr. Hillenbrand thought we could multiply contacts of various kinds, thus seeking to increase Western influence (Adenauer, however, sees no value in furthering West German contacts with the GDR beyond a minimal level). But if we went too far toward recognition we might precipitate a crisis in the Western alliance. Mr. Bohlen felt such contacts would have value in resolving the crisis only if the Soviets believed that they amounted to an intermediate step toward recognition. He wondered if Adenauer might not be willing to go that far after the election. Mr. Hillenbrand doubted that anything could modify Adenauer's views.

Comments. We appear to confront a serious difficulty in dealing with Adenauer. He seems thoroughly convinced that Khrushchev is bluffing in the sense that he would not push matters to the brink of nuclear war over Berlin. He feels that a strong show of force and determination by the West would influence Khrushchev to be reasonable. He would exploit any evidence of weakness. But Adenauer, in the "crunch", could not carry his nation over the brink to general war, which he says is "unthinkable". Thus, in the preparatory stages of a Berlin crisis, we are inhibited from developing a reasonable Western negotiating position by Adenauer's obduracy and insistence on a straight "position of strength" line. But if the crisis should later reach a climactic point where war seemed imminent, a disillusioned Adenauer might refuse to go all the way, and would thus leave the Western powers gravely handicapped in carrying out contingency plans.

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June 22, 1961

BERLIN-GERMANY GROUP

Interview with Henry Kissinger, 6/22/61

Mr. Kissinger inclines somewhat to the "hard" Acheson line. He feels that it is very important to convince the Soviets of our firmness of will, perhaps even to frighten them to the conclusion that, if pressed too hard, we might act irrationally. The proposals Mr. Acheson has made for measures making manifest our strength and determination should be judged in this light and with this end in view.

Regarding a possible military showdown over Berlin, he suggested a study by the military of the effects of our initial resort to nuclear weapons in such event. Could there be discriminating use of tactical nuclear weapons? Would a conventional probe trigger a Soviet pre-emptive nuclear strike, or would discriminating use of tactical nuclear weapons do so? Should we, in the almost certain event of failure of a conventional probe, be prepared to follow it quickly by a nuclear first strike? The alternative would appear to be a follow-up with division-scale conventional forces.

Kissinger believes we must be very careful in picking the issue on which we intervene militarily in the crisis. He thinks our diplomacy should be closely coordinated with military plans and moves. We should be ready, at the right time once we have forcefully demonstrated our will, to propose an all-German and European solution. This should be offered before an access crisis becomes dangerously acute, and should offer the Soviets a satisfactory escape from their dilemma, which otherwise might push them over the brink to nuclear war. We should study such a plan and have it ready at the opportune moment (he did not elaborate on the possible elements of such a proposal).

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Kissinger feels that the Soviets are, in a sense, weaker and more on the defensive in East Germany than in any other Communist state. Only here is a Soviet satellite regime face to face with a free government of the same nationality which presents a formidable challenge. As things are, each German regime must try to subvert the other. If the Communists could ever be brought to prefer stability in Central Europe to Communist imperialism a solution might be worked out. The Soviets actually face an untenable situation in the GDR. If they felt assured of a stable situation up to the Oder-Neisse, a European settlement might become possible.

He conceived of a confederal arrangement between the two Germanies as possible, but only after the establishment of a freely chosen government in East Germany.

The implications of Kissinger's thinking at this point seem to be that we would do well to make an intensive search for some type of all-over settlement that would give the Soviets real assurance of the stability they crave in Central Europe, yet sacrifice nothing of vital interest to the West. A Berlin crisis which had gone far enough to demonstrate to both sides the immense danger in the situation, but which had not gone so far as to fatefully involve the prestige of both sides to the point of no return, could create the psychological preconditions for a broad settlement.

Kissinger believed, and others concurred, that our stress in the Berlin crisis should be less on Western rights than on self-determination, both for Berliners and for Germans generally. We should be able to develop this into a widely appealing issue.

Kissinger noted that there could be two great dangers in Europe: an indefinitely divided Germany that would certainly breed in a few years a strong and dangerous nationalism (because nationalists were offered a ready-made issue), and a completely

independent

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independent Germany (that would be a barrier to European unity except under German hegemony, and would constitute a dangerous element of strain in the relations between the USSR and the West).

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June 22, 1961

BERLIN-GERMANY GROUP

Highlights of Presentation by Ambassador
Thompson, June 20, 1961

Ambassador Thompson elaborated on his paper of June 19, "The Berlin Question". His more important observations were as follows.

He doubts that Khrushchev is using the Berlin situation at this stage mainly to humiliate and discredit the US, even at the risk of war. He thinks his main wish is to stabilize central Europe; this would involve recognition of the GDR, agreement on eastern frontiers of Germany, and neutralization of West Berlin. Take-over of Berlin, disruption of NATO, and destruction of US prestige would be ultimate purposes. The "Free City" was offered us as a face-saving device. In view of its rejection, Khrushchev will go through with his separate treaty plan; he is not bluffing.

Thompson attaches great importance to time phases of a developing Berlin crisis. During the first (to the German elections in Sept.) we should take great care not to alienate our allies. Hence we should avoid overt measures to demonstrate our strength, but take steps indicative of our determination to defend Berlin that Soviet intelligence would detect. He thinks we would do well to consider holding a referendum soon in West Berlin, offering a choice between the Soviet "Free City" proposal and continuation of the present status with hope of eventual reunification. This should be under international auspices if possible, and would go far to discredit the Soviet proposal.

Thompson believes that later, at a proper time - possibly between the German elections and Soviet convocation of a peace conference - we should be prepared with a counter offer,

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both to the "Free City" and to a separate treaty. He considered an all-Berlin solution, but rejected it as having most of the liabilities of a "Free City" confined to West Berlin, or more, as the Soviets would demand even larger concessions from us.

He would offer the Soviets a modified "Western Peace Plan", extending the period before elections from 30 months to 7 years. The Western powers would make unilateral declarations not to support any change in present German frontiers, and possibly a NATO-Warsaw non-aggression pact could be negotiated. An interim Berlin solution along the lines of our Geneva 1959 proposal would be proposed, pending the end of the seven year phase.

He would be ready to accept a separate peace treaty with the GDR, or separate and identical treaties with the two German states, provided West Berlin were expressly excepted by a protocol giving it a free, interim status with adequate safeguards pending German reunification.

He thinks it would be useful to make a study of what we would be forced to give up by the conclusion of a separate peace treaty.

Thompson believes that a separate Soviet-GDR treaty without acceptable provisions respecting self-determination and Western rights in West Berlin would create a very dangerous situation. His proposal would aim to stave off such a crisis and provide a prolonged cooling-off period. Hence he feels we should be ready, not to make one-sided concessions, but to give Khrushchev a face-saving "out", while possibly making progress toward an eventual all-German settlement.

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June 23, 1961

BERLIN-GERMANY GROUP

S/P Consultants' Views on Berlin, June 19

Following are views expressed by several consultants meeting with S/P respecting the Berlin crisis.

Mr. Acheson reiterated his well-known thesis that the Berlin situation has reached a degree of tension that precludes negotiation at this stage. There must first be an evident manifestation by us of our capacity and will to defend Berlin, whatever the nature of the threat, convincing to the Soviets. Berlin is a symbol of the global conflict between us, and our action there will have a crucial bearing on our position everywhere. It is the chief nexus between the US and USSR. We need a clear doctrine and strategy, and this will simplify the matter of deciding what specific actions to take. We must put first things first.

He thinks we should quickly begin a series of overt actions to make clear our unflinching determination to go through with the affair, whatever the denouement. These could include: strengthening and disposing of our military forces for effective use, taking preliminary steps toward a general alert and mobilization, activating the National Guard, bringing reserve divisions to a state of combat readiness, suitable deploying of carriers, and similar measures.

He does not debar negotiation entirely, but thinks it futile to consider talks or presentation of alternatives prior to a thoroughly convincing show of will through deeds, not words. Thereafter negotiation might prove possible and we should be ready with positive proposals that could create avenues for a graceful Soviet withdrawal from an untenable position.

He feels that our allies, especially the British, are none too reliable in this matter and may hold back. We

should

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should not let their hesitancy weaken our action, but take a bold lead. This may frighten them somewhat, but they will probably come around as they have no real alternative. Such a lead on our part, at this juncture, is the surest way to save NATO.

He would also revive the invitation for the Soviet Air Force Chief to visit the US and be exposed to evidence of our power and determination.

Mr. Bowie concurred in the main with Mr. Acheson. The Berlin crisis is the most dangerous we have faced since 1953. Our ineptness in Cuba and Laos may encourage Khrushchev to dangerously bold action respecting Berlin. His view of our will is of crucial importance.

He stressed the importance of our having a doctrine to govern our world-wide strategy. How do we see the world? How can and should we try to influence international developments? What are the priorities? What are the guidelines for action that flow from such a doctrine?

He thinks we cannot bluff successfully on Berlin. But we might adopt a tactic of being "actively irresponsible". We should consider the possibility of our being so, or appearing to be so. This could give pause to Khrushchev if he is really meditating risky steps that presume a calculated acquiescence on our part.

Mr. Smith thinks we should sharpen up our planning on Berlin as a distinct issue. In view of the questionable reactions of our allies, including Adenauer, preparations based on the threat of general war will not really be useful in this situation. We must develop a credible threat based on actions that we can effectively take against Soviet assets and vulnerabilities elsewhere.

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In this connection, he feels that US seapower is a very incompletely used asset of our own which we could exploit more fully. Through our capability to blockade Soviet egress to open seas and interfere with their commerce, we might develop effective types of pressure to provide some relief in the Berlin situation (this latter point, which he has previously made, is based on the logic that, inasmuch as the Soviets are threatening our exercise of legal rights where they have superior power, we should retaliate by correspondingly limiting their exercise of legal rights where we have superior power).

Mr. McGhee asked whether the US could or should take the initiative in seeking ways to alter the status of Berlin, or anticipate changes in its status, without harm to essential US interests. Mr. Acheson saw no such possibilities. Mr. Smith thought there might be possibilities, but felt we should not make any such approach until after there has been a clear demonstration of the US will to fight. On this last point there was general agreement.

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July 26, 1961

BERLIN-GERMANY GROUP

Interview with Robert Lovett, June 16

Mr. Robert Lovett called on me on June 16, 1961. The subject of Berlin and measures to be taken by our government in the face of the crisis were discussed briefly.

Mr. Lovett had had lunch earlier in the day with Mr. Acheson, who had revealed to him his tentative thinking in respect to contingency planning for Berlin. Mr. Lovett was in general agreement with the approach, indicating however that he had a few reservations which he did not specify.

In response to a query as to whether he had any ideas as to a possible negotiating position which our government might assume vis-a-vis the Soviet Union, he said he had not given the matter a great deal of thought. It was his impression that there was relatively little that could be offered over and above past proposals which the Soviets had rejected. He indicated, however, he would have an open mind if someone could produce suggestions as to possible new bases of negotiations.

Mr. Lovett indicated he would be glad to come to Washington to discuss the matter further, and I advised him that in all probability we would be in touch with him.

S/P:GCMcGhee:cjp

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DEPARTMENT OF STATE
FOR THE PRESS

MAY 14, 1959

NO. 331

WESTERN PEACE PLAN

The following is the text of the Western Peace Plan presented today in Geneva by the Foreign Ministers of France, the United Kingdom and the United States at their meeting with the Foreign Minister of the Soviet Union:

The Governments of France, the United Kingdom and the United States of America are convinced of the urgent need for a settlement of the German problem. They desire to seek, in such a settlement, progressive solutions which would bring about German reunification and security in Europe. Moreover they believe that progress on each of the problems of general disarmament, European security and a political settlement in Europe affects the degree of progress possible in the solution of each of the other problems.

They accordingly propose to the Government of the Union of Soviet Socialist Republics an agreement between the Four Governments which would include the measures outlined below relating to a general settlement of the problems at issue. The measures envisaged are closely interrelated and the present proposals are therefore to be regarded as an inseparable whole. They would come into effect progressively at the stages indicated.

STAGE I

Reunification

1. The Four Powers would establish suitable arrangements for consultation among the parties to supervise the implementation of the agreement and to settle any disputes which might arise before the conclusion of a peace settlement with a reunified Germany.
2. With regard to Berlin, the Four Powers would agree that:
 - (a) Berlin is one city and belongs to all of Germany. East and West Berlin should, therefore, be united through free elections held under quadripartite or UN supervision. A freely elected Council would be formed for the whole of Berlin until German reunification was achieved and as a first step towards it. Thus Berlin would be retained as the future capital of a reunified Germany.
 - (b) Subject to the supreme authority of the Four Powers, (with voting procedures as adopted by the Allied authorities in Vienna) the freely elected Berlin Council would be free to administer the city.
 - (c) The freedom and integrity of the united city of Berlin and access thereto would be guaranteed by the Four Powers who would continue to be entitled as at present to station troops in Berlin.

(d)

- (d) The Four Powers would take the necessary steps to carry out during Stages I and II of the "Phased Plan" the measures described in (a) to (c) above.

Security

3. In a common declaration, with which other interested states would be invited to associate themselves, they would undertake to:

- (a) settle, by peaceful means, any international dispute in which they may be involved with any other party;
- (b) refrain from the use of force in any manner inconsistent with the purposes of the Charter of the United Nations;
- (c) withhold assistance, military or economic, to an aggressor.

4. In order to facilitate further the solution of political problems and the improvement of international relations, the Four Powers would, in an appropriate forum, initiate discussion of possible staged and controlled comprehensive disarmament measures.

5. The Four Powers would arrange discussions to develop procedures for exchanging information in Stage II on military forces in agreed areas of Europe.

STAGE II

Reunification

6. Bearing in mind the complex issues involved in reunification, a transitional period would be agreed. The Four Powers would set up a Mixed German Committee.

7. The Mixed Committee would consist of 25 members from the Federal Republic of Germany and 10 members from the so-called "German Democratic Republic". These members would be appointed by the Federal Government and the authorities of the so-called German Democratic Republic respectively.

9. The Mixed

8. The Mixed Committee would take its decisions by a three quarter majority.

9. The Mixed Committee would be entrusted with the task of formulating proposals:

- (a) to coordinate and expand technical contact between the two parts of Germany;
- (b) to ensure the free movement of persons, ideas and publications between the two parts of Germany;
- (c) to ensure and guarantee human rights in both parts of Germany;
- (d) for a draft law providing for general, free and secret elections under independent supervision.

10. The Mixed Committee would transmit any proposals made by it under subparagraphs (a) to (c) inclusive of paragraph 9 above to the appropriate authorities in both parts of Germany. Such proposals, if no objections are raised with respect of them, should be implemented as appropriate in both parts of Germany.

11. (a) Any agreed proposal for an electoral law in accordance with subparagraph (d) of paragraph 9 above would be submitted to a plebiscite in both parts of Germany.
- (b) If within one year no such draft law had been formulated by the Committee, the group of members from the Federal Republic on the one hand and the group of members from the so-called German Democratic Republic on the other would each formulate a draft law approved by a majority of its members. These two draft laws would then be submitted to a plebiscite as alternatives. The electoral area for each draft law would consist of both parts of Germany.
- (c) If any proposal for an electoral law obtained a majority of valid votes in each of the two parts of Germany, it would acquire the force of law and be directly applicable for the entire electoral area.
- (c) The Four Powers would, at the time of signature of the agreement, expressly authorize the competent German authorities to promulgate any electoral law so approved.
- (e) The Four Powers would adopt a statute providing for the supervision of the plebiscite.

12. If

12. If all-German elections had not been held on or before the termination of a thirty months' period beginning on the date of the signing of the agreement, the Four Powers would determine the disposition to be made of the Committee.

Security

13. An exchange of information on military forces in the areas referred to in paragraph 5 above would be undertaken.

14. The Four Powers would restrict or reduce their armed forces to agreed maximum limits, for example, United States 2,500,000; Soviet Union 2,500,000. During this same period, these states would place in storage depots, within their own territories and under the supervision of an international control organization, specific quantities of designated types of armaments to be agreed upon and set forth in lists annexed to the agreement.

15. The Four Powers would be prepared to negotiate on a further limitation of their armed forces and armaments to become effective in Stage III subject to:

- (a) verification of compliance with the provisions of paragraph 14 above;
- (b) agreement by other essential states to accept limits on their armed forces and armaments, fixed in relation to the limits of the armed forces and armaments of the Four Powers;
- (c) installation of an inspection and control system to verify compliance with all agreed security measures.

16. Measures of inspection and observation against surprise attack, helped by such technical devices as overlapping radar systems, could be undertaken in such geographical areas throughout the world as may be agreed by the Four Powers and other states concerned.

17. Since in 1954 the Federal Republic of Germany renounced the production of chemical, biological and nuclear weapons, the Four Powers will take such arrangements as might be appropriate to secure similar measures of renunciation in the remainder of Germany and in other European countries to the East.

18. Inspection systems would be worked out for ensuring compliance with the appropriate security measures envisaged in Stage III.

STAGE III

Reunification

19. Not later

19. Not later than two and a half years after the signature of the agreement elections for an all-German Assembly would be held in both parts of Germany under the terms of the electoral law drafted by the mixed Committee, approved by the Four Powers and adopted by the German people in a plebiscite (in accordance with the provisions in Stage II above).

20. The elections would be supervised by a supervisory commission and supervisory teams throughout all of Germany. The commission and teams would be composed of either (a) United Nations Personnel and representatives of both parts of Germany, or (b) representatives of the Four Powers and representatives of both parts of Germany.

21. The all-German Assembly would have the task of drafting an all-German constitution. It would exercise such powers as are necessary to establish and secure a liberal, democratic and federative system.

22. As soon as an all German Government has been formed on the basis of the above mentioned constitution it would replace the governments of the Federal Republic and the so-called German Democratic Republic and would have:

- (a) full freedom of decision in regard to internal and external affairs, subject to the rights retained by the Four Powers as stipulated in paragraph 23 below;
- (b) responsibility for negotiating, as soon as possible after its establishment, an all-German Peace Treaty.

23. Pending the signature of a Peace Treaty with an all-German Government formed on the basis of the all-German constitution, the Four Powers would retain only those of their rights and responsibilities which relate to Berlin and Germany as a whole, including reunification and a peace settlement and, as now exercised, to the stationing of armed forces in Germany and the protection of their security.

Security

24. Implementation of the following security provisions would be dependent upon the establishment of effective control and inspection systems to assure verification and upon the agreement, where appropriate, of the all-German Government to the security measures called for in Stage III.

25. Upon the establishment of an all-German Government, the Four Powers and such other countries as are directly concerned would agree that in a zone comprising areas of comparable size and depth and importance on either side of a line to be mutually determined, agreed ceilings for the indigenous and non-indigenous forces would be put into effect.

26. After conclusion of the peace treaty, no party would station forces in any country in this area without the consent of the country involved. Upon the request of the country involved, any party so stationing forces would withdraw them within a stated period and would undertake the obligation not to send forces to that country again without the consent of the Government of that country.

27. Should the all-German Government decide to adhere to any security pact:

- (a) there might be special measures relating to the disposition of military forces and installations in the area which lies closest to the frontiers between a reunited Germany and countries which are members of another security pact;
- (b) the Four Powers would be prepared to join with other parties to European security arrangements in additional mutual obligations, covering especially the obligation to react against aggressions;
- (c) the Four Powers would be prepared to join with other parties to European security arrangements herein described in giving an assurance that they would not advance their forces beyond the former line of demarcation between the two parts of Germany.

28. Providing that the limitations and conditions set forth on armed forces and armaments in Stage II are met, the Four Powers would further limit their armed forces together with corresponding reduction on armaments to agreed maximum levels, for example U.S. 2,100,000; and U.S.S.R. 2,100,000. Reductions in the armed forces and armaments of other essential states to agreed levels would take place at the same time in accordance with paragraph 15 of Stage II.

29. After verified compliance with the above limitations, and subject to the same conditions, negotiations would be undertaken on further limitations (for example U.S. 1,700,000; and the U.S.S.R. 1,700,000) together with corresponding reductions on armaments. The levels of armed forces and armaments of other essential states would be specified at the same time through negotiations with them.

30. The measures provided for above would be harmonized with general disarmament plans so as to be included in a general framework.

31. All of the security measures of the "Phased Plan" would continue in force as long as the control system is operative and effective and the security provisions are being fulfilled and observed.

STAGE IV

Since a final Peace Settlement can only be concluded with a Government representing all Germany, it should be concluded at this stage. The Settlement should be open to signature by all states members of the U.N. which were at war with Germany. The Settlement should enter into force when ratified by the Four Powers and by Germany.

* * *

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May 8, 1961

MEMORANDUM

To: GER - Mr. Hillenbrand

From: L/EUR - Mr. Wehmeyer

Subject: Probe of Points Re Germany Contained in Lippmann
Report of Khrushchev Conversation

Since one of the most difficult aspects of planning regarding Berlin and Germany is, of course, the determination and evaluation of Soviet intentions, it seems to me that the recent series of articles by Walter Lippmann recounting his interview with Khrushchev offers certain possibilities for probing or countering views therein expressed which appear to be of particular significance.

The last of three articles (attached) by Mr. Lippmann begins:

"It was clear to me at the end of a long talk that in Mr. Khrushchev's mind the future of Germany is the key question. I sought first to understand why he thinks the German problem is so urgent, and so I asked him whether, since agreement was so far off, a standstill of five or ten years might not be desirable. He said this was impossible. Why? Because there must be a German solution before 'Hitler's generals with their twelve NATO divisions' get atomic weapons from France and the United States. Before this happens there must be a peace treaty defining the frontiers of Poland and Czechoslovakia and stabilizing the existence of the East German State. Otherwise, West Germany will drag NATO into a war for the unification of Germany and the restoration of the old Eastern frontier.

"His feeling of urgency, then, springs from two causes: His need to consolidate the Communist East German State-- known for short as the GDR--and second, his need to do this before West Germany is rearmed.

He said

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He said several times that he would soon bring the German question to a head. Quite evidently, the possibility of nuclear arms for West Germany is not immediate. Bonn does not now have the weapons and although the possibility of it is real enough, the threat is not so urgent as to be a matter of a few months. The more immediately urgent consideration is, no doubt, the need to stabilize the East German regime, particularly in view of the flow of refugees." (Emphasis added).

If the above truly represents Khrushchev's thinking, I believe we ought in some manner to have the following questions posed:

1. If by "a German solution" Khrushchev refers to the signature of a treaty between the East German regime and the USSR, how would such a treaty prevent, deter, or affect the arming of the Federal Republic? The article appears to suggest that somehow "a peace treaty" will diminish the military threat which he purports to envisage in West Germany--"otherwise, West Germany will drag NATO into a war for the unification of Germany and the restoration of the old Eastern frontier." Assuming that Khrushchev is truly concerned about the military power of the West Germans, if he believes they might on some occasion try by force to reunify Germany, it is not clear what significance a "peace treaty" between East Germany and the communist bloc would have on the situation. Failure of the Versailles Treaty in serving as a brake on German military and political aspirations is of such recent history that one would presume Khrushchev must recognize that a treaty per se, and one to which the West Germans would not even be a party, would not stop a German military adventure if one was planned.

It could well be argued that insofar as any threat to East Germany or to the Soviet Union is concerned from West Germany, that the present situation, i.e., no peace treaty with either East Germany or West Germany, is an advantage to the Soviet Union in that, the Western Powers, under residual four

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power responsibilities, are presumably in a position to act as a dampener on any elements in the West German military which might advocate reunification by force. In brief, the suggestion that a separate peace treaty is necessary in terms of preventing a military expedition from West Germany appears to justify some probing and countering.

2. The reference to the flow of refugees, in connection with the need to stabilize the East German regime, which is described as "the more immediately urgent consideration" is also a point obscure to me. The Soviet proposal for a "free city" or other variations of a German settlement which has been proposed by the Soviets with West Germany, have not, as far as I know, suggested that there would be no movement between East Germany and Berlin, and Berlin and Western Germany. Just how a "separate peace treaty" would accomplish this is not clear and we ought to try to discover what is intended. I cannot see how the Soviets could control the refugees any better after a "peace treaty" with East Germany than they can right now if they really wish to do so. They have always had and have now the capacity to "seal off" the refugees. Other than possibly being able to claim some "legality" in doing so if they first set up the situation with a "peace treaty" I don't see what bearing a peace treaty would have on the flow of refugees.

3. Lippmann states that the "thesis" of Khrushchev is as follows: "The two Germanys cannot be reunited. The West will not agree to a unified Communist Germany and the Soviet Union will not agree to the absorption and destruction of the GDR by West Germany". This analysis appears to me to be unduly rigid as there would appear to be other alternatives than those envisaged in the Khrushchev "thesis".

I recognize that the reports by Ambassador Kroll of his discussions with Khrushchev cast some uncertainty on the Lippmann articles. Assuming that Khrushchev's thinking is as

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complex as is to be expected and includes some inconsistent proposition, it is possible that the points expressed by Lippmann represent certain points in Khrushchev's thinking. I believe that we ought to use appropriate means to get across to him that signing a separate treaty would not significantly affect either the military potentiality of West Germany or the flow of refugees, but on the contrary, the Soviet Union would be in effect relinquishing an opportunity to exercise some degree of control and restraint by reason of the present four power obligations with respect to Germany as a whole.

Attachments:

Press clippings.

cc: L- Mr. Chayes
S/P - Mr. Fuller
SOV - Mr. Guthrie
EUR - Mr. Elting

L:L/EUR:DWWehmeyer:jcm

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C

This documents consists of
17 pages, No. 16 of 33
Copies, Series A.

June 12, 1961

SECRET

MEMORANDUM

To: L - Mr. Chayes
From: L/EUR - Mr. Kearney R.W.K.
Subject: Berlin - A Negotiable Solution

I

The Facade of Reunification

The first tenet of the orthodox credo on Berlin is that a permanent solution of the problem is contingent upon the reunification of Germany. This is undeniable as a matter of abstract logic, for the division of Germany is what gives rise to the Berlin problem. In the event of the need for an immediate solution regarding Berlin, however, the conclusion has value only if the reunification of Germany is reasonably attainable within a reasonable time.

The Soviet terms for reunification have envisaged, as a minimum, a Germany detached from any intimate political, economic, or military connections with the Western Powers, disarmed, and so constituted as to maintain the Pankow regime in being and to afford a good chance of achieving the eventual communization of West Germany. In addition, the Soviets have suggested or implied at various times further conditions including withdrawal of United States Forces from Europe, abolition of the United States European bases and dissolution of NATO.

Acceptance of German reunification on the minimum Soviet terms would mean the emasculation of the North Atlantic Alliance, abandonment of the painful progress which has been made toward European unity, and relegation of Germany to a condition at least as pregnant with danger as that of the Weimar Republic under the Versailles Treaty. It could also mean surrender of the only real position of strength the United States has outside the North American continent.

There is a school of thought which considers that the reunification of Germany on the basis of a greater or lesser acceptance of the Soviet terms should be preferred to continuation of the danger of nuclear holocaust implicit in the present direct confrontation. This acquiescence would constitute part of a process of disengagement between the Soviets and the Western Powers, through establishment of a

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neutralized zone in Europe, and withdrawal of Soviet troops behind the Russian frontier in exchange for United States withdrawal from Europe or, less probably, behind the Rhine. The net advantages of this approach, in addition to lessening the chance of nuclear warfare by misjudgment or inadvertence, are considered to include the possibility of detaching the Eastern European satellites from the U.S.S.R., eliminating the nuclear arming of the Federal Republic, reducing the possibility of the German Federal Government making a unilateral deal with the Soviets to achieve reunification, and settling the Berlin problem.

The pros and cons of this type of proposal have been exhaustively debated. The major issue always remains whether, because of what are clearly great, indeed awesome, dangers of nuclear warfare, we should sever our ties with Western Germany and, as a consequence, to a large extent with Europe, in the belief that a neutral, disarmed and reunified Germany, plus Soviet troop withdrawal from Eastern Europe, will provide a substantial diminution of these dangers. Lacking any certified prophets, we can only rely on experience. It is true that Berlin would be eliminated as an immediate point of friction, but if the past has any value as a witness, the Germans would remain indefinitely disarmed or neutral, and the Soviets would not relax control over Eastern Europe. In the absence of a general agreement on general disarmament or a complete Sino-Soviet rupture, the dangers would mount higher, and our only gain would be the purchase of some little time at a monstrous price.

If reunification is not prospectively available on any terms acceptable to us, there is no permanent solution of the Berlin problem available in the sense of a complete disposition of the problem.

II

The Crux of Contingency Planning

What then confronts us is whether any other arrangement to maintain the freedom of Berlin can be negotiated with the Soviets. To muster the possibilities, it is necessary to review some of the elements of the Berlin problem.

The Western position in Berlin has two strong points. The first, and most important, is the presence of troops there. The Soviets cannot take the city frontally without risking a major struggle. The second is that our troops are there by right, and any direct Soviet effort to dislodge them would be palpably in violation of international law. That this latter aspect carries some weight with the Soviets is attested by the Soviet withdrawal, under constant Western pressure, from their November 1958 position, in which they denounced the Four-

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Power agreements regarding Berlin, to the position expressed in the course of the 1959 Geneva Foreign Ministers' Meeting that the Western Powers were legally in Berlin. These elements of strength permit two reasonably safe assumptions in the light of Soviet conduct in the past. The U.S.S.R. will not launch any direct assault upon our troops in Berlin except as part of a general assault upon the NATO forces. Any action which the Soviets take to force withdrawal of our forces from Berlin will be based upon some theory of legal right. (The 1958 denunciation of the quadripartite agreements, for example, was, in light of the Soviet argumentation, based upon the dubious doctrine "Rebus sic stantibus".)

Other elements of the Berlin situation, however, may be manipulated by the Soviets so as to place us in an intolerable position. The overshadowing consideration, of course, is the control which the Soviets or the East Germans can exercise over ground traffic and communications between Berlin and the Federal Republic. But of almost equal importance is our commitment to the political principle that we will not recognize the existence of the "G.D.R." as a state or as a government.

By turning over control of the access routes to the East Germans, probably using a peace treaty with the "G.D.R." as the legal pretext, the Soviets can force us:

1. to attempt to keep the ground access routes open by force; or
2. to rely on an air-lift to supply Berlin, or
3. to deal with the "G.D.R." in such manner as will lead to de facto and possibly de jure recognition of the regime.

For an appreciation of the complexities involved in selecting a course of action, it is helpful to consider a hypothetical situation. After signing a peace treaty with the "G.D.R.", the Soviets withdraw from the Autobahn check-points and East German officials take over. Under the contingency planning procedures, we continue military traffic by submitting copies of a movement order at each checkpoint to the East German officials. For a period this procedure is followed. The "G.D.R." then announces that it is imposing a fee of 50 pfenning per trip on each Allied vehicle using the Autobahn to meet the cost of up-keep of the road (or that its officials will begin examining luggage, or any one of a hundred other innocuous-appearing requirements), and that the Minister of Transport will be happy to meet with the Western ambassadors to discuss methods of payment. Otherwise, the fee will be collected from each vehicle.

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We refuse to meet with the Minister; we order the vehicles to refuse to pay the tax; the East Germans turn back Allied vehicles at the checkpoints. After unavailing protests, after the failure of sanctions short of force, the Western Powers consult whether a probe at battalion strength should be made to test Soviet intentions. This is the crucial decision, regardless of whether or not the battalion is instructed to withdraw if it encounters disproportionate force. For, if under orders, it is obliterated by "G.D.R." forces, do we have any choice but to mount a heavier probe, except at the loss of our honor? And, if it withdraws after encountering resistance, do we have any choice but to mount a heavier probe, except at the loss of all confidence in our courage and reliability? But if the probe in strength is undertaken it, too, can be contained by the available "G.D.R." conventional forces and we would then be faced with the necessity of ourselves commencing the third and last world war. For, if the probe used low-yield atomic weapons to neutralize East German conventional superiority, could the Soviets afford to stay out even though their action would trigger World War III ?

Any probe, therefore, has to be made on the assumption that if the Soviets are not prepared to give way, the chances that it will result in World War III are excellent. On the basis of available information, it is apparent to us that the Soviets have no desire to start a major war. But it is just as apparent that we do not, either. The Soviets may feel that the repulse or destruction of a minor probe will make us accept the inevitability of surrendering Berlin, even at the expense of honor and reputation.

Military history is, more than anything else, the product of mistaken political assumptions. The Soviet estimate of American concern with Korea; Hitler's estimate that the British would not support Poland in 1939; the Austrian and German General Staff estimate of Russian reaction in 1914 are among the glaring recent examples. There is a point of no return in the squaring off of nations against each other. It may well be that a Berlin probe would be that point between the United States and the U.S.S.R.

It is of course unclear that any probe would be undertaken. It is almost certain that the British would, when under the gun, strongly oppose such action, and the Canadians might well go along with the British. A case can be made that either or both the French and the West Germans may shy away from initiating the recourse to arms over what, in isolation, seems a bagatelle. Both countries are directly affected if a probe should result in even limited hostilities. "Ohne mich" could well be the German motto and "la grandeur" might not, in the last analysis, encompass Germanic Berlin. Similar considerations could apply in Benelux.

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The threatened use of force in such a tense situation would, of course, also call forth denunciations of the Afro-Asian bloc and remonstrances from neutrals and even allies, such as the Japanese, to whom the avoidance of fall-out would be considered a greater and more immediate good than maintaining the non-recognition of the "G.D.R.". Some degree of opposition might be expected in the United States as well, particularly as the issue would quite likely be presented by some of the information media and by some public figures as-- "Do you want to be blown up for fifty pfenning?"

Let us assume, then, that we decide the probes should not be undertaken. Would an airlift allow us to escape from the dilemma? If the "G.D.R." interferred only with military access, there is no reason why the Berlin garrisons could not easily be supplied and transported by air with assistance from the supplies coming into Berlin through civilian channels. But, if the East Germans succeed in restricting military ground access, are they likely then to refrain from beginning the whittling down of civilian access as a means of forcing withdrawal of the Allied garrisons?

Presumably it would be possible to maintain a level of existence in Berlin at some point above the intolerable solely by air supply for an indefinite period. But this would mean the end of Berlin as a living city if the blockade continued any length of time. And the East Germans could, if they wished, interfere with an air-lift by devices such as jamming communications to an extent which would make supplying the city by air impracticable.

The gain to be expected from an air-lift, then, would be only some amount of time and a better position to take forceful action. The East Germans would be forced to reveal, by the successive limitations upon access to Berlin, that the purpose of the restrictions is not the acceptance of what, on the surface, are reasonable tolls or inspection requirements or the like, but is the elimination of Berlin as a free island in a sea of tyranny. Although current planning has been to prefer an immediate ground probe to institution of an air-lift, it is suggested that from the viewpoint of international relationships with allies, as well as neutrals, an air-lift would be a more productive initial step unless we were practically certain that the probe would result in East German abandonment of whatever restriction had been imposed.

But, at some stage in an air-lift, it would be necessary to again face the decision whether to attempt to force a way through on the ground. And, though our psychological position would have improved, the overriding question would remain whether the East Germans and the Soviets would give way. It seems probable that under the clear conditions of emergency which would be prevailing, the chances of their

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giving way would be better and the prospects of support by our allies and the neutrals would be increased. The decision would remain, however, a form of roulette peculiarly Russian.

It is possible that the pressures engendered by an air-lift, combined with the sanctions short of force envisaged in our contingency planning would, as in 1949, result in elimination of whatever restrictions had been imposed upon access. But there is a legion of harassments to access available to the East Germans, and there is no reason to assume that, in the absence of some type of settlement, a variety of restrictions would not be renewed, forcing us to decide again whether to resort to a probe or institute an air-lift. Employment of an air-lift as a permanent, even though intermittent, feature of maintaining Berlin would, at best, lose the substance while grasping at the shadow. Under such circumstances, the city could not but wither away.

The third possibility of our hypothetical situation remains. Each military vehicle would pay the fifty pfennig toll at the checkpoint and continue on its way. We could maintain, without undue difficulty, that such payments would not constitute any recognition of the "G.D.R." and while it might afford the East Germans some advantages, these would be relatively minor. If the East Germans would stop at imposing a toll for road maintenance charges, there would be every reason just to pay and forget it. But there is likewise every reason to assume that the toll charge would be quickly followed by other limitations and restrictions upon both civilian and military access--acceptance of which would subordinate the rights of communication and traffic between Berlin and West Germany completely to East German control and of a nature to require continual consultation and dealing between East German officials and representatives of the Western Powers at all levels. The price for East German cooperation would grow continually steeper and the result would be that at some stage we would have to revert to our other alternatives of air-lift or probe to avoid winding up by having the worst of all possible worlds--de facto recognition of the "G.D.R." and loss of effective control over Berlin access.

In view of the

III

No Interim Way Out

In view of the dangers inherent in each of the courses of action which we might take if the Soviets do turn the Berlin access routes over to the East Germans, some other solution is required. Except for hopeful inaction, the only alternative is a negotiated settlement. Our aims for such a settlement can range from obtaining a stay of

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execution for some such period as twelve or eighteen months, to the acceptance of a modus vivendi valid for two, three, or four years, to establishing an arrangement which might remain good for an indefinite period.

To expect that the U.S.S.R. will enter into any kind of agreement without exacting a substantial consideration therefor is a resort to daydreaming. The Geneva Foreign Ministers Conference of 1958 made it clear that the Soviet price for a short- or medium-term arrangement would include:

- a) a substantial reduction of troops in Berlin;
- b) sweeping limitations upon propaganda, intelligence, and refugee operations in West Berlin, with a Four-Power Supervisory Commission to hear complaints;
- c) weakening of the legal rights of the Western Powers to be in Berlin so that at the conclusion of the agreed period there could be a supportable Soviet claim that the rights had been terminated;
- d) negotiations at the conclusion of the period to determine the future status of Berlin;
- e) Direct "G.D.R."-F.R.G. negotiations on reunification.

Terms such as these could be acceptable only if the Western Powers, at the conclusion of the agreed period, would have improved their position, vis-a-vis the Soviet Union, either with respect to Berlin or in other fields which could be brought to bear upon the Berlin problem, to such an extent that the Soviets would not be able to take advantage of our weakened position. There do not appear to be any developments which can be foreseen in the immediate or near future which would justify buying time at the quoted price.

The Western proposals at Geneva in 1959 for an interim arrangement on Berlin included:

- a) a freeze on existing troop levels;
- b) circumscribed limitations on activities in all Berlin which would disturb public order or interfere with or affect the internal affairs of others (so worded as to permit widely divergent interpretations of forbidden activities);
- c) reunification to be handled by a Foreign Ministers' Deputies Conference on a continuing basis;

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- d) negotiations on the status of Berlin at the termination of the period on the basis of currently-existing rights.

These proposals offered the Soviets, in exchange for time, nothing of practical substance from their viewpoint except a somewhat more solid position to complain about Western propaganda activities originating in Berlin. The implicit reaffirmation of the Western position in Berlin at least counter-balanced this concession. The Soviets have preferred a delay of two years without any new agreement to this sort of arrangement because they have no reason to place formal and fixed limits on their freedom to use Berlin as a most convenient source of pressure and harassment, and as a means of gaining recognition for the "G.D.R." unless we surrender a substantial advantage such as weakening our position in Berlin, or adopt some compromise position which will tend toward disrupting the Western alliance. Both the uncertainty and the passage of time work for them and against us.

A short- or medium-term arrangement on terms which the Western Powers could accept on Berlin is thus unlikely unless Khrushchev is not serious about signing a peace treaty with the "G.D.R." and needs the optical illusion of a verbal victory to mask an about-face. There is no evidence to support this position although it is possible to imagine circumstances under which he might seek such an arrangement. For example, one of the considerations which might influence the Soviet position is that if the U.S.S.R. signs a peace treaty with the "G.D.R.", control over the Berlin situation could move from Soviet to East German hands. But this factor has not deterred reiterated announcements of the proposed transfer, and presumably the Soviets are assured of their ability to keep the East Germans from triggering a full-scale conflict, or are convinced that the Western Powers will not fight over Berlin.

Accordingly, there is no need to review the variety of possible limited-term arrangements which have been worked out as possible proposals on Berlin to determine which might be most acceptable to the Soviets. These solutions do not supply the material for genuine bargaining, because our situation in Berlin permits genuine bargaining. In the context of the Soviet demands only for a price we are not prepared to pay. On the other hand, if the Soviets decide to avoid the possibility of a collision with the Western Powers through the use of a limited agreement which we could accept, there are a number of solutions (variations on the July 24, 1959 Geneva proposals; the continuing negotiations device; the unilateral declarations proposal, etc.) which would be available. But what is more likely is that the Soviets would merely continue the present situation without an agreement, expressed or implied.

To concentrate our planning on methods of achieving an interim solution is thus both non-productive and dangerous.

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IV

Non-Starting Long-Range Proposals

The remaining alternative is to seek a long-range Berlin solution by making substantial concessions to the Soviets. But this immediately raises a paradox. The concessions which the Soviets seek regarding Berlin are directed toward the elimination of free Berlin, while any concessions which we make must not impair that freedom. The immediately appealing gambit is, then, to consider concessions on our side which would not involve Berlin in exchange for the Soviet concessions regarding the city.

One such concession which has considerable appeal is to trade recognition of the "G.D.R." for Soviet and "G.D.R." guarantees on Berlin which would be good until reunification. If the conclusion developed in Part I of this paper, that reunification is not possible under existing circumstances, is correct, then why not deal openly with the Russians on this basis? As a method for dealing with problems of an indefinite duration, non-recognition is a policy difficult to defend, more than difficult to maintain and, in a variety of aspects, self-defeating. Further, substantial arguments can be developed that recognition might be as conducive to reunification in the long run as non-recognition.

Admitting the force of these arguments, the present pressing by the United States of a recognition policy remains subject to an insuperable objection. Reunification is the major ideological issue in the Federal Republic, and will remain so. The United States has identified itself with the policy of non-recognition, and to a considerable extent is responsible for the wide and deep acceptance of the doctrine in Germany as an essential position in the reunification of Germany. Until there is a very considerable change in West German thought and position, for us to attempt to force a drastic change in the Federal Republic's adherence to non-recognition is almost certain to be futile. It is likewise certain to arouse a considerable degree of bitterness and loss of confidence in our reliability with the possible result of inclining the Germans to unilateral dealings with the Soviets and withdrawal from NATO.

It is also clear that the French at present would support the Germans in opposition to a recognition of the "G.D.R." As a possible solution to a Soviet initiative on Berlin in the near future, recognition of the "G.D.R." is not an available counter.

Another proposal which has been studied is Western agreement to the Oder-Neisse Line as the final German-Polish boundary. Here the problem is whether an offer would have sufficient attraction to induce

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a long-range Berlin agreement. The Soviets have never indicated an interest in bargaining on the point, and its value has been depreciated by statements, such as De Gaulle's, of intention to accept the Oder-Neisse frontier. While such an offer might have some attraction as part of a package-arrangement, it would not suffice of itself.

The Soviet drive in relation to Berlin has been directed toward the termination of the occupation status and the withdrawal of the Western troops. This is the essence of the Soviet "Free City" proposal, which contains also the following elements:

Berlin would not participate in associations or agreements of a military or politico-military character;

The Four Powers would not interfere in the domestic affairs of Berlin, would not permit interference by other States, and would guarantee free communications with the outside world;

A Five-Power Watchdog Commission (U.S., U.K., U.S.S.R., France, and "G.D.R.").

If the Soviets could be relied upon to honor their agreements, these proposals with some modification would deserve serious consideration. But as the Soviet record for breaking agreements is excelled only by their record of blatant misinterpretation of agreement, any consideration of the "Free City" proposal can be posited only upon changes which would ensure the city's freedom. The scarcely disguised Soviet intention to eliminate that freedom reinforces the need for insurance. Two possibilities which have been adumbrated are placing the city under some sort of United Nations trusteeship, guarded by United Nations troops and possibly serving as a United Nations headquarters, and a suspension of the occupation status of Berlin, but with the troops of the Western Powers remaining in various guises. In each case there would be appropriate access guarantees.

The U.N. trusteeship thesis is not one that can be seriously entertained. Apart from being completely unacceptable to the French, and scarcely, if at all, more acceptable to the Germans, to relegate so explosive a subject as Berlin to the ultimate management of the General Assembly with any assurances that East German and Soviet encroachment would be prevented would be rashness in the extreme. The net result could be that we would retain the main burden of trying to maintain the city with much less chance of doing so. Continuation of access to the city could be used by the Soviets and East Germans to progressively limit Berlin's freedom of action in such subtle ways as to avoid any direct show-down with the U.N. presence in Berlin. The only recourse would be appeal to the General Assembly. It is to be

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feared that while we were bogged down in U.N. procedures, the Soviets and East Germans would be able to nibble away at the West Berliners until they'd eaten every one.

The variety of proposals based upon suspension of the exercise of occupation rights have one glaring weakness. They require convincing the Soviets that a stone is a loaf of bread. The Berlin forces of the Western Powers are to march out as occupiers, and immediately return by invitation of the West Berlin authorities as guests. Moreover, if the Soviets or East Germans thereafter misbehave the Western Powers could declare the suspensions terminated and the occupation again in full force and effect.

There does not appear to be a single good reason from the Soviet point of view for accepting proposals of this kind on a long-term basis unless the Soviets have a newly acquired passion for pyrrhic victories.

The suspension plans have never been discussed with our Allies. It seems reasonable to assume that such proposals would be taken, at least by the Germans, as an indication the United States will not maintain a firm line on Berlin under Soviet pressure. Because such a plan would be unreliable as a long-term proposal the Germans would suspect we are really planning its use as a two or three year proposal. In this time context, the suspension of the exercise of occupation rights would leave us in a weaker negotiating position at the end of the agreed period for suspension. The French, who are opposed to any tampering with the legal basis of our rights in Berlin, would probably also oppose any type of suspension proposal.

7. The Negotiable Position

The Negotiable Position

If the foregoing conclusions are soundly based, none of the plans or positions on Berlin under current consideration in the event the U.S.S.R. provokes a crisis over the city offer any particular chance of success unless the Soviets are or become convinced that we will use whatever force is necessary, including nuclear weapons, in order to maintain our access rights to Berlin and to avoid any form of recognition of the "G.D.R." It is this latter aspect which offers the real chance of miscalculation and the possibility of blundering into the nuclear holocaust. The Soviet leaders could well believe, despite anything we might say or anything we might do short of large-scale conflict, that the West could not possibly intend to carry total non-recognition of the "G.D.R." to the point of a full-scale war. The psychological, political and strategic difficulties discussed in Part I of this paper regarding the use of force to maintain access are as apparent to the Soviets as to ourselves. They could well be convinced that we are

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trying to make two pairs look like a full house and realize we are not bluffing only when destruction has become inevitable.

In these circumstances, we should have a better fall-back position than the hope the Soviets will realize we are not bluffing. Such a position would have to include elements of real concessions to the Soviets rather than illusory concessions.

There is one proposal which would afford a reasonable chance of achieving this result. This proposal would have the following elements:

- a) the occupation of Berlin would be terminated.
- b) the Western troops would be withdrawn from the city.
- c) the Berlin-Helmstedt Autobahn plus a one hundred foot strip on each side of the highway would be placed under the exclusive jurisdiction of Berlin.
- d) the existing air corridors would be placed under the exclusive jurisdiction of Berlin.
- e) Berlin could not be incorporated into either the F.R.G. or the "G.D.R." and could not participate in governmental activities of either.
- f) the economic relationship of Berlin with the F.R.G. would be maintained.
- g) Berlin would not enter into military relationship with any government.
- h) Berlin could establish and arm a security force of (20,000) men, in addition to the normal police force.
- i) Eire, Sweden and Austria would each station a battalion of troops in Berlin with the sole purpose of preventing any entry into Berlin or into the Autobahn area not authorized by the Berlin Senat.
- j) the special status of Berlin would be specially guaranteed by the United States, the United Kingdom and France.
- k) no propaganda or espionage operation directed against either East or West would be carried on in Berlin (this aspect could be policed by a U.N. presence).

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- 1) the arrangements would remain in effect until the reunification of Germany.

The foregoing are only the broad outlines of what must be, if it is to be workable, a complex and detailed agreement.

The primary test for such proposal is whether it increases the danger to Berlin's freedom above the present level. If there is an increase in danger it will not be because we are in a less secure position. The establishment of civilian access to Berlin on a basis free from Soviet or "G.D.R." control eliminates the most insidious source of danger to the freedom of Berlin. The complicating and weakening factor of "G.D.R." recognition is eliminated because there will be no need to deal with the East Germans. With an open road to the West the security of Berlin can be made proof against anything except a direct attack.

The presence of neutral troops will not increase the likelihood of a direct attack and may well reduce it. At all events the burden of taking armed action has been shifted to the East Germans and the Soviets in the face of continued evidence of our determination to uphold Berlin it is unlikely that there will be a recourse to arms.

There is no doubt that the change in Berlin's status could have immediate and adverse psychological effects in Germany and particularly in Berlin. It may well be viewed by the Berliners as a lessening of their security on the basis that our troops would be more reliable in an emergency. Moreover, abandonment of the trip wire theory of deterrence--that any assault upon Berlin while troops of the Western Powers are there, would result in full scale reaction by those Powers, undoubtedly will result in concern and doubts both in Berlin and the Federal Republic. And finally, our relinquishment of direct responsibility for Berlin will undoubtedly cause German apprehension that Berlin little by little will lose its importance to the United States so that a gradual undermining of its freedom may be carried out without any really effective counteraction by the only nation strong enough to check its enemies.

The danger to Berlin which results from these forebodings is that the will of the Berliners to maintain themselves in freedom may be lessened so that Berlin may fall prey to subversion. The Berliners have become accustomed to the presence of a United States shield which directly protects their exposed position. If, however, their performance equals their billing, they should be able to maintain their freedom under the new circumstances given continuing evidence of support by the United States.

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The Federal Republic, might in time, incline toward some rapprochement with the Soviets if it viewed the agreement as an abandonment of the German cause by the United States. Difficulties of this nature, though in fact unfounded, could nonetheless have tragic results. Again, it should be possible to minimize or eventually extirpate these emotional repercussions by our maintaining the closest interest in and support for Berlin.

Another aspect of the same problem is whether the tendering of such a proposal might be considered by the Soviets as an abandonment of our expressed position on Berlin so as to convince them we have no serious intention of maintaining the freedom of the city and possibly lead to the out-of-hand rejection of any such proposal. The quid of a corridor which we would seek for the quo of withdrawal so completely alters the present position by eliminating the basic weakness of the Berlin strategic situation, that the Soviets could scarcely look upon its proposal as a confession of weakness. The question might well be phrased whether the proposal would be rejected out of hand by the U.S.S.R. because they would consider it a very poor bargain.

Evaluations here are difficult. The Soviets would be achieving their announced immediate end of withdrawal of the Western occupation troops and termination of the occupation regime in Berlin. They would be sacrificing the chance of achieving their intermediate and ultimate objectives--an increasing recognition of the "G.D.R." and ultimate assimilation of Berlin into the "G.D.R."

The Soviet decision may depend to a considerable extent upon their analysis of our intention to defend or not to defend Berlin with all available means in the event the proposal is rejected. If they believe that there is a reasonable likelihood we are not bluffing, then the proposal affords the U.S.S.R. a basis for settling the Berlin problem on terms which could be viewed as affording the Soviet Union substantial elements of a public victory. And as the corridor proposal has never been put to the Soviets, its acceptance would not entail retreat from any announced position and they could claim it merely represents the access which they have always offered to guarantee.

The Soviets may also consider that the arrangements would facilitate an eventual take-over of Berlin, or at least make possible such a take-over with a lessened likelihood of armed conflict and agree on that basis. The considerations involved here, of course, would be whether the Berliners and the Western Powers are determined to stand fast to prevent such a result.

If the Soviets are not convinced of the bona fides of our declared intent to defend Berlin, then the proposal may well only serve to reinforce them in that opinion. Even if the Soviets reject the offer, however, our having made it will have important consequences upon world opinion. We would have offered to meet the ostensible Soviet
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aims regarding Berlin. In exchange, we would have sought only a reasonable means of ensuring that the City of Berlin would be able to survive in freedom after withdrawal of the Western forces. Rejection by the Soviets of such a proposal would demonstrate clearly that the differences between the U.S.S.R. and the Western Allies did turn upon the fate of two million people and not upon such artificial issues as the stamping of papers or collection of fees. Rejection of the proposal would leave us in a substantially sounder position to take military action in support of Berlin if such action became essential.

Another aspect of a corridor proposal is whether it is practicable. Could Berlin, on the basis of a corridor, maintain a viable economy? The situation involves a considerable number of variables but the major considerations are:

- a) Continued support by the Federal Republic. This should present no difficulties.
- b) Confidence in Berlin's ability to produce and deliver. The existence of an open delivery route should increase rather than diminish reliance upon the city's capacity for meeting commercial commitments.
- c) Adequacy of physical facilities. If necessity requires it, it should be possible to meet the demands of Berlin's economy entirely by truck and air, although this would in certain sectors be obviously uneconomical and require subsidization. But the existence of a corridor would enhance the likelihood that the East Germans would not under ordinary circumstances interfere with rail and barge traffic because they would have nothing to gain and at least a little something to lose. Such interference might take place at some stage as part of a plan to undermine Berlin but this is a prospect which only the reunification of Germany will eliminate. Moreover, it might be possible to negotiate construction of a rail line through the corridor.

A final consideration is whether a proposal of this nature would be acceptable to our Allies. It is quite likely the British would be inclined to go along because of their obvious disinclination to risk a major conflict over non-recognition of the "G.D.R." It seems equally unlikely that the French and the Germans would be presently prepared to accept the proposal--the French, because of De Gaulle's conviction that a firm stand will result in a Soviet backdown--and the Germans because they will oppose any steps which appear to constitute a lessening of United States responsibility for Berlin and Germany.

Nonetheless it should be possible to convince our allies that the corridor proposal will, if accepted by the Soviets, improve the position

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of Berlin rather than impair it. The weaknesses of the alternate proposals and the dangers implicit in the bluff-calling procedures of contingency planning should, when contrasted with the obvious advantages of access completely free from Soviet or East German control ultimately persuade them. In this connection, considerable weight should be laid upon the fact that German traffic to Berlin is already substantially under East German control. The East Germans can, if they wish, outflank our planning by subjecting German traffic to a variety of restrictions and harrassments, no single one of which could easily serve as a basis for Draconian action but which cumulatively could reduce Berlin to a beggar city. Difficulties with locks on the canals and switching on the railroads, confusion in mail delivery, trouble with telephone lines, slow-downs at the Autobahn checkpoints can be played upon like a keyboard.

VI

Timing the Proposal

For the purpose of obtaining first allied and then Soviet agreement to the corridor proposal, there is considerable attraction in pressing it when the situation is extremely grave--perhaps when the preparations for an initial probe have been mounted. This course, however, presents two difficulties. Both the psychological climate and the pressure of time may make the acceptance of a new concept, first by our allies and then by the Soviets, impossible. Moreover, at that stage the Soviets will have signed a peace treaty with the East Germans and thus have put themselves in a position, on the basis of their own statements, where East German participation in any agreement on a corridor would be inevitable. This would raise the recognition problem in its most acute form.

It would thus appear desirable to present the proposal to the Soviets prior to the conclusion of their projected peace treaty but also after a definite indication of Soviet decision to terminate the status quo which, with all its imperfections, best suits our purposes. The following plan is suggested.

Upon issuance by the Soviets of invitations to a peace treaty conference, there should be the declaration of a state of emergency by the President. The Armed Forces should be placed upon an alert status and measures looking toward mobilization should be proposed.

The contingency planning counter-measures which do not involve the use of force should be put into effect. At this stage the President should meet with Adenauer, De Gaulle and MacMillan and propose

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a Summit Meeting at which the corridor plan would be presented to the Soviets as the alternative to armed conflict. The Summit Meeting would be scheduled prior to the date for the convening of the peace treaty conference. At the Summit Meeting the corridor proposal should be put forward as the alternative to armed conflict.

VII

Variations

It would be possible to offer the Soviets at a summit meeting a variety of other Berlin solutions so as not to appear to be standing on a take-it or leave-it position. Other solutions would have, however, substantially less negotiability either to our allies or to the Soviets. Thus, the corridor proposal, if French opposition could be overcome, might be coupled with a U.N. solution in the shape of a U.N. presence in Berlin, plus a U.N. garrison. A paper reviewing a number of such proposals will be submitted subsequently.

The corridor proposal might also be presented in conjunction with a variety of proposals designed to meet the Soviet's pre-occupation with a peace treaty. Given the timing suggested above, it is possible that some measures may be required to dispose of the planned peace treaty with East Germany. Those measures could include:

- a) Four Power acceptance of the Oder-Neisse line as Germany's eastern frontier.
- b) Establishment of a Four Power body to review unsettled problems affecting Germany, including those relating to the conclusion of a peace treaty with Germany.
- c) Establishment of an all-German committee to attempt a reduction of the tensions between East and West Germany and to formulate recommendations on the reunification of Germany for submission to the Four Power body.

Such arrangements would, of course, be needed only for the purpose of saving Soviet face. If agreement could be reached on a Berlin corridor, then it would be a matter of indifference to us whether the Soviets sign a "peace treaty" with the East Germans.

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June 19, 1961

MEMORANDUM

TO: The Secretary
THROUGH: S/S
FROM: Ambassador L. E. Thompson
SUBJECT: The Berlin Question

ANALYSIS

It is not entirely clear what weight Khrushchev gives to the various factors involved in the Berlin and German question. The following would appear, however, to be his principal objectives:

1. To stabilize the regime in East Germany and prepare the way for the eventual recognition of the East German regime;
2. To legalize the eastern frontiers of Germany;
3. To neutralize Berlin as a first step and prepare for its eventual take-over by the GDR;
4. To weaken if not break up the NATO alliance;
and
5. To discredit the United States or at least seriously damage our prestige.

I do not think this latter point is his principal objective since his Free City proposal was in fact designed to accomplish his objectives while saving face for us. I believe that Khrushchev was surprised and disappointed at our reaction to his proposal.

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I do not believe that Khrushchev is bluffing and believe that he will at least go through with his separate peace treaty. He has left himself an out by making it possible for the East Germans not to interfere seriously with our rights of access, but even in these circumstances the conclusion of a separate peace treaty would have disadvantages for both the West Germans and the Western allies. The very most we could hope for would leave us in a worse position than we are now and would increase to a considerable degree the de facto recognition of the GDR. It is therefore to our advantage to prevent if possible the conclusion of a separate peace treaty.

I suggest that our policy for dealing with this problem should be one which 1) appears reasonable to public opinion in the United States as well as the rest of the world; 2) maintains the unity of our alliance; 3) would avoid so far as possible any miscalculation on the part of the Soviets. Public opinion is important to the Soviets and they will be far more dangerous if their position has wide public support. I believe it is of the highest importance that we have the support of our allies, especially the British, during the early phases of the problem. The greatest danger of miscalculation on the part of the Soviets comes from their imperfect understanding of the way democracies work. Khrushchev can maintain absolute control over his policy and does not appreciate the role which public opinion plays in a democracy.

It appears to me that the problem divides itself into four periods of time:

1. From now until the German elections;
2. From the German election until the convocation by the Soviets of a Peace Conference;
3. The period between the conclusion of a treaty and its entry into effect; and

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4. The implementation of a separate peace treaty.

I consider it highly important that we attempt to reach decisions now on our policy during all phases of this problem, as otherwise we are in danger of drifting and losing opportunities by default. For example, it is extremely difficult to draft a reply to the Soviet Aide Memoire until we have actually determined what our final policy will be in a show-down on the Berlin problem.

PERIOD FROM NOW UNTIL THE GERMAN ELECTIONS

For many reasons, I believe we should have an alternative to put forward to the Soviet Free City proposal at an appropriate time. It is clearly impossible, however, to do this until after the German elections, as Adenauer will almost certainly not support any alternative proposal until the elections are over. I suggest that during this period we should take actions which will convince the Soviets of our seriousness but will not unduly alarm public opinion or our allies. The following actions might be considered in this connection:

1. I suggest we should immediately approach the West Germans and our allies with a proposal to hold a referendum in West Berlin on the question as to whether they prefer the Soviet Free City proposal or the maintenance of the present situation pending the reunification of Germany. This should be held under international supervision if feasible but as a minimum observers should be invited from all countries. Such a referendum would go far to discredit the Free City proposal and make it difficult for the Soviets to impose it upon an unwilling population.

2. Since the Soviets presented us at Vienna with proposals on both the Berlin problem and that of atomic testing, the early resumption of testing might help convince them that we are serious in our attitude on the Berlin problem.

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3. We should make strenuous efforts to reach agreement with the British on our policy during this and the subsequent period at least. In order to achieve this it might be advisable to abandon attempts to commit the British now to a definite action when the show-down comes.

4. We should make military preparations of a nature which would not become known to the general public but which would be picked up by Soviet intelligence.

5. We should consider again extending an invitation to Marshal Vershinin to return the Twining visit. This would enable us to impress the Soviet military both with our strength and our determination. If this were done I believe we should show the Soviet delegation the maximum possible consistent with our security interests.

PERIOD FROM GERMAN ELECTIONS TO SOVIET CONVOCAION
OF PEACE CONFERENCE

1. During this period it is highly probable that the Soviets will attempt bilateral negotiations with the West Germans. We should decide now whether this is desirable and if so what advice we should give the West Germans regarding such negotiations. In my view, we should not attempt to prevent such negotiations if the Germans desire them but should not encourage them, mainly for the reason that the Germans are unlikely to be willing to make a concession on the frontier problem, which the Western allies could easily do if necessary to resolve the problem.

2. We should prepare now and have ready to put forward promptly after the German elections an alternative to the Soviet Free City proposal and to their plan for a separate treaty. We should if possible put the Soviets in a position of saying "no" to a proposal which would avoid the danger of war over the Berlin question instead of being in that position ourselves, as is the case today. I do not feel competent to suggest what this alternative should be, but believe the following proposals might be considered:

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a) An all-Berlin solution. I do not myself favor this as I believe it would have most of the disadvantages of the Free City proposal. The Soviets would consider that any proposal involving all of Berlin would mean a major concession on their part for which they would want concessions, and their terms would be more onerous than if a solution involved only West Berlin. Nevertheless, we might put forward such a solution with a view to the Soviets turning it down. If we do, I suggest that it would be essential to have some kind of negative veto as we had in Vienna; that is, all four Powers would have to agree in order to interfere with any actions taken by the Berlin Senate. The Soviets would never accept an all-Berlin solution unless they were able to control the refugee flow.

b) I believe we could put forward a modification of our Geneva peace package proposal, which would appear reasonable to public opinion and which would in fact have considerable appeal to the Soviets. This would consist of setting up an all-German Commission, providing a series of steps leading up to a referendum in both parts of Germany at the end of a 7-year period, unilateral declaration by the British, the French and ourselves that at an eventual peace conference we would not support any change in the present frontiers, and possibly a NATO-Warsaw Pact non-aggression agreement, and the interim solution for the Berlin problem be put forward at Geneva.

c) We might agree not to oppose a separate peace treaty provided it contained a protocol making provision for an interim Berlin solution. This could be coupled with the other proposals contained in point b) above.

There are various ways in which such proposals might be put forward. One would be by a Note or public declaration by the Western Powers; another would be the calling

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of a high-level conference, and a third would be by our acceptance of a Soviet invitation to a peace conference.

PERIOD BETWEEN CONCLUSION BY SOVIETS OF SEPARATE TREATY
AND ITS ENTRY INTO FORCE

If matters go this far, I suggest we should go all out in military preparations in an effort to convince the Soviets that we mean business, but we should do so in such a way as to not cut off the Soviet escape route, namely the failure of the East Germans actually to interfere with our access in a manner unacceptable to us. This period might be short and the moves we make should be worked out well in advance.

PERIOD AFTER ENTRY INTO FORCE OF SEPARATE TREATY

This is of course the most difficult decision of all. In view of both the French and British attitudes I would favor, in order to get their support, that we begin with an air-lift, which means that the Soviets and East Germans would either have to allow it to operate or take the first belligerent move. At the same time, our troops would be disposed in battle formation and if the East Germans were blocking our land access we should notify them that after a given period of time we would use whatever force was necessary to reopen it. If no solution is reached at this point we should then proceed with military action, including the use of tactical atomic weapons. Before this happens other elements in the contingency plans could be brought into operation, but these should be carefully considered in order that the Soviets not be led to believe that economic and political sanctions is as far as we intend to go.

cc - Mr. Acheson
- Mr. Kohler
- Mr. Bohlen
- Mr. McGhee

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**Modification of Western Peace Plan
to Take Account of Ambassador Thompson's Suggestions**

1. Extension of Time Period to Seven Years.

The specific paragraphs of the Western Peace Plan which define the time periods involved are 11(b), 12 and 19. These read as follows:

"11.(b) If within one year no such draft law had been formulated by the Committee, the group of members from the Federal Republic on the one hand and the group of members from the so-called German Democratic Republic on the other would each formulate a draft law approved by a majority of its members. These two draft laws would then be submitted to a plebiscite as alternatives. The electoral area for each draft law would consist of both parts of Germany."

"12. If all-German elections had not been held on or before the termination of a thirty months' period beginning on the date of the signing of the agreement, the Four Powers would determine the disposition to be made of the Committee."

"19. Not later than two and a half years after the signature of the agreement elections for an all-German Assembly would be held in both parts of Germany under the terms of the electoral law drafted by the mixed Committee, approved by the Four Powers and adopted by the German people in a plebiscite (in accordance with the provisions in Stage II above)."

The Committee referred to in 11.(b) is, of course, the Mixed German Committee, which is one of the new features of the Peace Plan. In addition to formulating proposals for a draft law to provide for general, free and secret elections under independent supervision, which is the draft law referred to in paragraph 11.(b), the Mixed Committee also is to formulate proposals:

- "(a) to coordinate and expand technical contact between the two parts of Germany;
- "(b) to ensure the free movement of persons, ideas and publications between the two parts of Germany;
- "(c) to ensure and guarantee human rights in both parts of Germany."

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Extension of the time period for the functioning of the Mixed Committee presents certain general structural problems and would undoubtedly require elimination from the Peace Plan of certain of the time-phased provisions for disarmament and European security. Since some of these have perhaps already been overtaken by events, this would presumably not be an irreparable loss. A more specific problem would be to extend the time period in paragraph 11.(b) so as to make it consistent with any extension of the time period in paragraphs 12 and 19. One possibility would be to make the time period in paragraph 11.(b) six years and the time period in paragraphs 12 and 19 seven years. A second possibility would be to eliminate paragraph 11.(b) entirely, leaving the definition of the time period solely to paragraphs 12 and 19.

2. Recognition of the Oder-Neisse Line.

A Four Power statement on the Oder-Neisse Line, which could either be included in the modified Peace Plan or be made as a separate statement, could take several forms. One might be: The Four Powers note with approval the declaration of the Federal Republic of Germany that it recognizes as the permanent frontier of Germany the line running from the Baltic Sea immediately west of Swinemunde, and thence along the Oder River to the confluence of the Western Neisse River and along the Western Neisse to the Czechoslovakia frontier, and renounces all right, title and claim to the former German territories east of this Line.

A variant of this, leaving out the element of present German consent, might be as follows: The Four Powers agree that, at a final German peace settlement [provided for in Stage IV of the Western Peace Plan], they will recognize as the permanent frontier of Germany the line running from the Baltic Sea immediately west of Swinemunde, and thence along the Oder River to the confluence of the Western Neisse River and along the Western Neisse to the Czechoslovakia frontier, and renounces all right, title and claim to the former German territories east of this Line.

A somewhat milder formulation which has been suggested in the past would be: The Four Powers note with approval the declaration of the Federal Republic of Germany that it has renounced the use of force in the settlement of international disputes and is prepared to conclude bilateral treaties of nonaggression with the Governments of Poland and Czechoslovakia pursuant to this renunciation.

3. NATO-Warsaw Pact Nonaggression Agreement.

A useful formulation for such a nonaggression pact is found in paragraph 3 of the Western Peace Plan. The Four Powers might accordingly undertake to obtain the agreement of the NATO and Warsaw Pact Organizations to:

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- "(a) settle, by peaceful means, any international dispute in which they may be involved with any other party;
- "(b) refrain from the use of force in any manner inconsistent with the purposes of the Charter of the United Nations;
- "(c) withhold assistance, military or economic, to an aggressor."

h. Improvements in the Berlin Situation.

The major problem in this area is to find "improvements" from the Western point of view which adequately counterbalance the "improvements" which the Soviets might be assumed to seek. In most respects, the West is satisfied with the status quo in Berlin as representing the most satisfactory obtainable arrangement under current circumstances. The changes which the Soviets want are all changes in the status quo which will operate to the detriment of the West. This was the basic problem presented at the Geneva Conference in 1959, where the Western proposals for an interim arrangement were criticized as involving largely concessions to the Soviets without exaction of an adequate quid pro quo. Defenders of the Western proposals at Geneva have argued that the proposals of July 28 cannot be evaluated purely in terms of how many concessions the West would have made under them but that the over-riding importance of the access provisions, if Soviet agreement thereto had been obtained, would have more than compensated for the so-called Western "concessions".

Be that as it may, any attempt in 1961 to formulate reciprocal actions to be taken in both parts of Berlin will run into the same basic problem. Certain Soviet or GDR activities in East Berlin, while they are legally objectionable to the West, do not really materially affect Western interests. On the other hand, there is no doubt that the Soviets and GDR authorities feel themselves to be materially harmed by a number of activities centering in and around West Berlin, such as refugee reception centers, RIAS, the show-window effect of West Berlin, the general propaganda effect of West Berlin's press, and other informational media, et cetera.

A possible formulation, suggested by Ambassador Thompson, would be to have each side agree to take reciprocal action to stabilize the situation in Berlin by refraining from a number of listed activities, or to perform certain functions, for example, in connection with maintenance of free and unrestricted access to West Berlin. The Western proposals of July 28, 1959 could be drawn on for specific language in this connection (text of July 28 proposals attached).

Attachment:

Text of July 28, 1959 Western Proposals

June 15, 1961

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TEXT OF WESTERN PROPOSAL OF JULY 28

BERLIN

The Foreign Ministers of France, the United Kingdom, the United States and the Union of Soviet Socialist Republics have examined the question of Berlin in the desire to find mutually satisfactory solutions to the problems which have been raised and which derive essentially from the division of Berlin and of Germany. They agreed that the best solution for these problems would be the reunification of Germany. They recognize, however, that meanwhile the existing situation and the agreements at present in force can be modified in certain respects and have consequently agreed upon the following:

(A) The Soviet Foreign Minister has made known the decision of the Soviet Government no longer to maintain forces in Berlin.

The Foreign Ministers of France, the United Kingdom and the United States declare that it is the intention of their Governments to limit the combined total of their forces in Berlin to the present figure (approximately 11,000). The three Ministers further declare that their Governments will from time to time discuss the possibility of reducing such forces if developments permit.

(B) The Foreign Ministers of France, the United Kingdom and the United States further declare that it is the intention of their Governments to continue not to locate atomic weapons or missile installations in West Berlin.

(C) Free and unrestricted access to West Berlin by land, by water, and by air for all persons, goods and communications, including those of the forces of the Western Powers stationed in Berlin, will be maintained in accordance with the procedures in effect in April 1959. Freedom of movement will continue to be maintained between East and West Berlin. All disputes which might arise with respect to access will be raised and settled between the four Governments. The latter will establish a quadripartite commission which will meet in Berlin to examine in the first instance any difficulties arising in connection with access and will seek to settle such difficulties. The commission may make arrangements, if necessary, to consult German experts.

(D) Measures will be taken, consistent with fundamental rights and liberties, to avoid activities in or with respect to Berlin which might either disturb public order or seriously affect the rights and interests, or amount to interference in the internal affairs of others. The Secretary General of the United Nations will be requested to provide a representative,

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supported by adequate staff, to be established in Berlin, with free access to all parts of the city for the purpose of reporting to the Secretary General any propaganda activities which appear to be in conflict with the foregoing principles. The four Governments will consult with the Secretary General in order to determine the appropriate action to be taken in respect to any such report.

(E) The arrangements specified in sub-paragraphs (A) through (D) above can in the absence of reunification be reviewed at any time after five years by the Foreign Ministers' Conference as now constituted, if such review is requested by any of the four Governments.

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Prepared in GER
June 22, 1961

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Comments on a "New Approach to the German-European Problem"

The unsettled situation of Central Europe which has its focus in the division of Germany and the anomaly of a Western city in the center of Soviet-controlled Germany is certainly the most serious existing danger to world peace. Negotiable suggestions which might contribute in any way to the stabilization of this very delicate and explosive situation are to be welcomed. Recent developments have vividly shown how the complex of arrangements now in effect for Germany and Berlin provide the Soviets with ready-made opportunities for disruption and blackmail. It must be a goal of policy to reduce the Soviet scope for maneuver in this area. The S/P paper is, therefore, very welcome for its analysis and its proposals, despite the fact that what follows in these comments must seem negative in character. The S/P paper has at least resulted in stimulating thought along unconventional lines. It is a fact that United States consideration of the German-European problem has been characterized for various reasons by a certain immobility. New ideas constantly run afoul of real or apparent restrictions on our freedom to make new policy. The German problem has been intensively studied over the past twelve years. The record shows a ceaseless quest for solutions which, whatever else may be said of it, certainly does not lack for thoroughness. The most recent comprehensive review took place in preparation for the Geneva Conference of Foreign Ministers of May - August 1959. This review produced proposals which were closely related to the earlier Western proposals prepared for use

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at the Summit Meeting of 1955.

The Problem of the Assent of the Federal Republic

It may be useful before examining the S/P proposals specifically to try to make a realistic assessment of the Western room for maneuver. Immediately following the war the West was in a position to formulate and carry out proposals affecting the future of the German state and people relatively uninhibited by concern for German wishes and pre-occupations. Sixteen years later serious limitations have developed on the West's freedom to suggest proposals affecting the German-European question which arise out of the new situation which the Western Alliance has created by its conduct over that period as concerns the Federal Republic of Germany.

The Federal Republic is our NATO ally, and at the same time the country whose future is on the block in dealings with the Soviets about Germany. In practice, we consult with the Federal Republic and seek its agreement on every measure we might consider offering in a negotiation with the Soviets.

We have created for ourselves a certain built-in contradiction in our relations with the Federal Republic which will come acutely to the fore if we ever try to force on it for the sake of a settlement with the Russians, a proposal which involved any substantial alteration in the power position or prestige of the Federal Republic.

The ideal settlement of the German problem from the Western point of view involves the reunification of Germany by means of free elections, with the Germany thus reunited entitled freely to choose its own foreign policy.

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policy. The likelihood of achieving this solution without a radical shift in the relationships between the two world power blocs is practically non-existent. The ideal solution from a Communist point of view, equally unrealistic, is the acceptance by the West of the proposition that Germany should be reunified under the Communist banner. Between these two extremes a variety of proposals for ultimate reunification have been formulated designed to have some measure of appeal as being reasonable and negotiable. Each involves in some degree some concession to Soviet and East German preoccupations, in the expectation that these concessions can be traded for equal or greater concessions. But almost without exception, such proposals tend to involve some downgrading of the status or power or expectations of the Federal Republic and its citizenry. This is true for subjects like disengagement, recognition of existing boundaries, equality of treatment of East Germany in future all-German talks and so on through the multitude of variations on the theme of reunification and European security. They tend to involve more or less some erosion of the Federal Republic's status of full equality in the community of Western Europe. How much freedom do we really have, then, to deal with the Federal Republic as an object of Western policy?

At a certain moment about a decade ago, a country formed out of three zones of occupation passed from being a defeated enemy whose future was to be the subject of negotiation, to an ally participating intimately with the West in decisions affecting its future.

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In response to felt needs the West deliberately embarked on a policy of re-arming the Federal Republic so that it could make its sorely needed contribution to the defense of the West. The failure of the European Defense Community to come into being persuaded the West to bring the Federal Republic into NATO with the only mildest checks on its full equality of membership in that organization. Bit by bit, these limitations on its arms are being removed. The Federal Republic has meanwhile flourished economically like the green bay tree. With our encouragement and support the Federal Republic is becoming more and more integrated into the Western European community economically and militarily. It has become a key element if not the key element in the present pattern of political relationships in Western Europe.

It is not too much to argue that the hidden assumption in our dealings with the Federal Republic was that reunification was not a practical goal; or that if it were practical ten years ago, reunification was outweighed in value by the value of a strong, armed Federal Republic allied with the West. The kind of Federal Republic we created and permitted to develop is not one whose present condition can be adapted to the creation of a new and larger state with a different orientation. If reunification were to be achieved under circumstances acceptable to the Soviets, Western Europe and North America would have to regroup themselves into some form of new association. The West would desperately feel the wrench caused by the withdrawal of a key ally. Ten years of history would have been, to a degree, undone.

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Perhaps this analysis best explains the somewhat sterile quality of Western proposals for settlement of the German problem. We can hang our clothes on a hickory limb, but dare not go near the water. Again and again suggestions put forward for settlement confront the difficulty that they involve in some way a change in the status of the Federal Republic which its Government and people find jarring at the least and impossible at the worst. Working Groups studying proposals in the field of Germany and European security have found themselves more and more circumscribed in the ambit of what can be agreed on with the Federal Republic. Solutions in the field of European security which do not impose equal military limitations on other NATO partners are found by the Federal Republic to involve military discrimination against it. It is no longer willing to accept, for the sake of regional disarmament plan, any special status for its territory. Its sensitivity to discriminatory proposals has likewise developed in the field of non-military proposals. This is true for all of the suggestions for negotiation in the S/P paper - the Oder-Neisse line, relationships with the GDR and relationships with Eastern Europe.

The obstacle presented by the understandable attitude of the Federal Republic is one which looms larger as the years go by and the Federal Republic becomes more rather than less important to its Western Allies. It becomes less willing to acknowledge that its situation as a defeated enemy requires it to accept demeaning changes in its status in order to effectuate a settlement in Europe or even to stabilize the existing situation. In theory we do not, of course, have to trim our proposals

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to meet the limits imposed by the tolerance of the Federal Republic for these suggestions. In fact we have never really tried to force on the Federal Republic the acceptance of proposals to which it entertained substantial objection. Circumstances could certainly arise in which we might feel compelled to override the objection of the Federal Republic to particular settlement schemes. If we were to do so, we could easily start a slide in German opinion which we might not be able to stop. It has been our goal, toward which we have been successfully moving, to integrate the Federal Republic as tightly as possible into the Western Alliance system militarily and economically. Any substantial dissent by the Federal Republic from Western policy regarding Germany could shake if not destroy the foundations on which our present policy toward the Federal Republic rests.

The Problem of the Assent of Our Allies

While the problem of the negotiability of proposals with the Federal Republic is without doubt the most serious of all, a substantial additional problem is presented by the divergent attitudes and postures of the United Kingdom and France who with the United States share the basic responsibility for the management of the problem of Germany and Berlin. In spite of the disparity and power and influence among the three countries, each has asserted a completely equal voice in the formulation of policy and tactics. The process of consultation is thorough and effective. For good or ill, therefore, the known positions of our two Allies are elements which necessarily influence

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the formulation and acceptability of proposals. Under the pressure of the necessity to agree on proposals to present to the Soviets, the Allies have been able after considerable effort and sometimes considerable compromise of view to harmonize proposals. Cleavages in basic attitudes persist.

Finally, there is the problem of NATO's acquiescence in allied proposals. The Three Western Powers have successfully resisted accepting any substantial influence by the other NATO partners in the formulation of their positions. But NATO has become increasingly restive on the subject of Germany and Berlin and this is bound to be the case since the issue of war or peace is ultimately involved in the choices made by the three Allies. General NATO military support is an indispensable asset in Western planning. The Three Western Powers are likely more and more to find themselves obliged to consult NATO and, to a degree, to guide policy by NATO opinion.

Analysis of the S/P Paper

The analysis contained in the Rationale section of the S/P paper seems accurately to portray the dangers in adherence to a status quo policy. It is perfectly true that present Western and Soviet policies are not likely to provide any basis for concerted progress toward a European settlement. Our legal position in Berlin rests on the right to occupy the city, although that right has now been exercised for sixteen years. The risks to the Western position in the present state of affairs are being diligently exploited by the Russians.

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The Elements of S/P Proposals

The S/P paper proposes in essence that a package be put together of the following elements:

- a) approval of the Oder-Neisse Line as a definitive frontier;
- b) greatly enhanced relations between the Federal Republic and the Soviet satellites of Eastern Europe;
- c) greatly enhanced relations between the two Germanies leading to recognition of the GDR and eventual confederation;
- d) establishment of a Central European security zone which might be subject to inspection, eventual thinning out of forces, perhaps a ban on nuclear weapons and installations, at least of a strategic character, and regional arms limitations and controls;
- e) withdrawal of all non-German forces from Germany as it becomes politically reunified; armed neutralization of Germany or of two confederated German states with withdrawal from both NATO and the Warsaw Pact;
- f) a tacit freeze on Berlin with presumably certain changes made in the present regime until progress is made on all-German problem.

The S/P paper does not specify which of these main elements are considered indispensable for the package and which might be dropped if necessary. The assumption presumably is that they could be somewhat reshuffled to meet particular needs.

Is Such a Package Desirable or Worth Paying as a Price?

The S/P paper suggests that time is running out on our German policy that

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that perpetuation of the status quo in Central Europe is dangerous, and that we must take some broad initiatives of the kind suggested if we are not to be overtaken by events and if we are to attain our paramount political goals. The corollary seems to be that a European settlement is a practicable present goal provided we accommodate our policies to the changing movements of our time. A major objective to be achieved in this context would be the withdrawal of Soviet forces from Central Europe as a prerequisite to a German settlement, arms control in Central Europe and European security generally.

Put in this way, there is a great deal of appeal in the thought of taking advantage of new opportunities to bring to an end the tensions and dangers of direct confrontation of East and West within a divided Germany. But is the situation today so fluid and so different that the West must, in effect, openly jettison its traditional goals of German reunification in freedom, political and economic integration of the Federal Republic into Western Europe, and a significant German contribution to the military strength of the Atlantic Community? This question takes on added meaning if examined in the light of what the mere withdrawal from former goals would do to our relations to the Federal Republic, as pointed out above.

It does not seem enough merely to say that, while a success, containment has now served its purpose and must be replaced as a policy. Containment has been just one aspect of American policy in Europe - not a positive goal in itself but a necessary condition for the achievement of more positive goals. There seems little doubt whose positive goals

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would have to be abandoned if the West were to adopt a program of the kind suggested in the S/P paper, and it is this fact that must be balanced against certain admittedly desirable results in evaluating the present desirability of the "new" package.

Some of the considerations bearing on this choice will further emerge in the discussion to follow. Suffice it to say here that it cannot be established that the undoubted desirability of getting the Soviets out of Central Europe is such an overriding objective as to require abandonment of traditional American objectives.

Is it Acceptable to Our Allies?

The general unacceptability of the S/P proposals to the Federal Republic has been extensively considered above. There is no doubt that anything smacking of confederation, Rapacki Plan, discriminatory arms arrangements or withdrawal of United States forces will likewise be bascially unacceptable to France. Even the official British position seems to be firmer against disengagement than two years ago. It is clear, therefore, that American sponsorship of the kind of package suggested by S/P would cause a major crisis within the Western Alliance. The chances of getting German or French assent to it are nil. The negative repercussions of merely a hint that the United States was seriously considering anything along these lines would in themselves constitute a major gain for the Soviets. This whole area is so emotionally charged, so potentially disruptive, so evocative of suspicion and loss of confidence in the steadfastness of United States policy, that our decision to put

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such proposals forward would necessarily require a fundamental change in our entire European and NATO policy.

The United States would presumably not attempt to ram through such a program without regard for the consequences. There would seem to be no point in even advancing it in internal Western discussions if the results were to be as anticipated.

Is it Negotiable with the Soviets?

It seems likely that the initial Soviet response to Western proposals along the lines suggested would be selectively positive. They would welcome them to the degree that they work towards consolidation of the political status quo in Central Europe or to the elimination of the American presence in Europe. To the degree that they would weaken Communist control of the area, the Soviet objective would presumably be either to dilute them in negotiations or to agree in anticipation that they could be evaded in their execution.

We must realistically proceed from the assumption that the Soviet Union is not interested in a European settlement unless it be one which promises to bring significant benefits to Communism. The existing stalemate in Central Europe is merely a reflection of the fact that the Soviets are determined to hang on to what they have and will only enter into an agreement affecting Germany if it promises to bring the Federal Republic and perhaps all of Western Europe closer to Communist dominance.

Specifically, one could predict that the Soviets would applaud Western willingness to approve the present provisional Eastern boundaries of Germany. As concerns the proposals for relationships between the

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such proposals forward would necessarily require a fundamental change in our entire European and NATO policy.

The United States would presumably not attempt to ram through such a program without regard for the consequences. There would seem to be no point in even advancing it in internal Western discussions if the results were to be as anticipated.

Is it Negotiable with the Soviets? We have always assumed that such

discussions would not in fact continue the cause of a united Germany. It seems likely that the initial Soviet response to Western proposals along the lines suggested would be selectively positive. They would welcome them to the degree that they work towards consolidation of the political status quo in Central Europe or to the elimination of the American presence in Europe. To the degree that they would weaken Communist control of the area, the Soviet objective would presumably be either to dilute them in negotiations or to agree in anticipation that they could be evaded in their execution.

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Specifically, one could predict that the Soviets would applaud Western willingness to approve the present provisional Eastern boundaries of Germany. As concerns the proposals for relationships between the

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Would there be Propaganda Advantage in Advancing the S/P Proposals?

There is no doubt much opinion in the world both in the countries allied with us and in the uncommitted world which would gladly embrace the proposals advanced in the S/P paper. The problem of Berlin and Germany is a source of enormous anxiety. Until it is stabilized, it contains within it the possibility of a nuclear war. Mobility on the Western side would be welcomed in some quarters, particularly mobility which proceeded in the direction of Soviet preoccupations. But whatever propaganda advantage would be gained by the espousal of these proposals would be hardly worth the price of the distrust which the sponsorship of these proposals on the part of the United States would engender in German and other Western opinion. Contrasted with the positions which the West has maintained since the end of the Berlin blockade, the new proposals would seem like concessions, which either go too far or not far enough. Although they represent a withdrawal from earlier positions, they clearly do not create a lively expectation that they could form the basis of a fruitful negotiation with the Soviets.

Particular Comments on the Elements of the S/P Paper

1. Berlin. The conception that there should be a freeze on the status of Berlin pending progress on German problems is an element of the classic Western position, which is that the "problem" of Berlin is to be solved only within the context of the solution of larger problems.

2. Frontiers. There is attached as an Annex to this paper a study of the pros and cons of the proposal that the United States publicly indicate its intent to approve the Eastern boundaries of Germany.

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Relations of FRG to Eastern Europe. It would certainly be to the advantage of the West to be able to bring to bear on East Germany as well as other portions of the Satellite area the undoubted political and economic influence of the Federal Republic. Hence, the Department has consistently favored the policy of closer German relations with the satellite countries and has encouraged the Germans to take initiatives with respect particularly to the Poles and to a somewhat lesser degree to the Czechs. These efforts, as is known, have unfortunately so far proved somewhat abortive.

4. Relations of FRG to GDR. Comment on this subject has been made earlier in this paper.

5. European Security Aspects of the Settlement. The arguments for and against disengagement have been recorded extensively in many books, articles and government papers. Certain of the elements proposed in the S/P package fall within the category of proposals which have previously been advanced to achieve a form of disengagement in Central Europe. These have consistently been opposed within the US Government as inconsistent with basic American interest. It is our conclusion that the negative arguments continue to prevail at the present time and that the increased fluidity of the situation in the decade of the Sixties noted in the S/P paper does not provide a sufficient reason for advocating such a radical reversal of traditional policy which, we believe, could be predicated with a high degree of certainty to bring about a major crisis within the Western Alliance before it were ever put forward to the Soviets. The same point

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might well be made about some of the more extreme all-German proposals in the S/P paper. Fluidity in movement, even if they are conceded to be a characteristic of the present period, do not seem to provide a real basis for the policy proposed.

European Regional Security proposals are, in any event, the subject of separate intensive study in the Department. When these studies are completed, they can be considered in the context of the German problem.

Attachment:

Annex.

EUR:GER:AGVigderman:MJHillenbrand:gw.
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of 20 copies. B

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S/P

April 10, 1961

A New Approach to the German-European Problem

A. Purpose

This paper attempts to set forth briefly the rationale for, and the possible elements of, a new approach to the German problem, and thereby to the wider European problem. This is not offered as a definite proposal, but merely as a general line of thinking to be considered.

It represents a substantial departure from the position taken in the Western Peace Plan of 1959 as offered at the Geneva talks. It does this on the grounds that this plan seems obsolescent and offers no possibility of resolving the German and related problems. It is believed that the Western powers should review the 1959 plan with a view to possible talks with the USSR aimed at an eventual settlement of the German-European problem.

If viewed favorably, such an approach might be considered by a Departmental working group, with a view to arriving at agreed recommendations. These, if approved, would need to be coordinated with Defense and perhaps other agencies, and eventually offered to our major Western allies with a view to developing a Western negotiating position in possible talks with the USSR.

B. Rationale

We at present face an impasse in Europe based on the de facto partition of Germany, a legacy from World War II. Since 1945, the Soviet-Western confrontation in Europe has hardened. Both sides have built their security arrangements upon it. All efforts, from 1947 through 1959, to negotiate a settlement have been abortive.

US policy respecting Germany has been, and is, essentially an outgrowth of containment policy. It is basically defensive, seeking to establish bulwarks against further Soviet expansion in Europe. In this respect it has succeeded.

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We have now entered a phase of history beyond the "postwar era" of adjustment and consolidation. Change is in the air. There has been a remarkable resurgence of Europe, notably in the West but also east of the iron curtain.

Allies on both sides are restive. The cold war has broken far out of the bounds of the European confrontation. Any "Maginot line complex" on our part tends to inhibit, even paralyze our diplomacy.

Only one thing seems generally agreed between the West and the USSR respecting Central Europe-- that Germany and Berlin are not worth the price of a nuclear war, even while the threat of such a war remains the chief deterrent to aggression. Both sides actually aim at a position of pre-dominance in Europe--aims clearly mutually exclusive. There has not been, and there is not likely to be, any progress toward a European settlement on the basis of present Western and Soviet policies.

It becomes ever more dangerous to rest our hopes for peace in Europe on perpetuation of the status quo. This does not work to our advantage, and may work to Soviet advantage if a resurgent Germany sees unity as possible only through a deal with the USSR.

Meanwhile the protracted stalemate obstructs efforts toward arms control, thwarts political settlement, maintains tensions, and increases the risks of ultimate general war.

Withdrawal of Soviet forces from Central Europe is one of our major objectives: essential to a German settlement, arms control in Central Europe, and European security generally. It can not be forced. It can only be effected, if at all, by diplomacy.

Germany lies at the heart of the present rigid and dangerous confrontation. Here, as elsewhere, ferment and change are at work. To avert mounting dangers and achieve our major objectives in Europe we need a strategy that is mobile and not static, geared to a realistic appraisal of possibilities, and directed toward the attainment of paramount political goals.

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This requires a fresh look at the German problem. Inaction might mean being overtaken by events. We can hope to influence events in Central Europe, but not if we cling to policies that time and change make ever more obsolescent.

New policies are essential.

C. Elements

Note: The following is suggested, not as a series of definite proposals, but as a broad framework for a review of existing policies in terms of realistic possibilities for negotiating a German-European settlement.

1. Berlin

This is probably soluble only in the context of a German-European settlement. Pending progress, we might do best to seek a tacit freeze on the status of West Berlin (regarding its freedom, Western rights, access, military forces, etc.). Such agreement need not be formalized or written, and should have no terminal date. Only as progress is made on the all-German problem would any modification of Berlin's status, corresponding to such progress, be acceptable.

2. Frontiers

The US and its Western associates might publicly indicate their intent to approve the present provisional eastern boundaries of Germany, subject only to minor adjustments, in an otherwise acceptable general settlement. We would expect the governments of the FRG (Federal Republic of Germany) and the GDR (German Democratic Republic) to associate themselves with such a declaration.

Such a step seems essential to allay fears of Germany's eastern neighbors of future aggressive designs by Germany, and thus to create the possibility of a basic settlement.

de Gaulle has already taken this position. Some elements of German opinion might prove obstructive, but most Germans could probably be brought to pay this price for reunification.

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3. Relations

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3. Relations of FRG to Eastern Europe

We should, to a greater degree than we have, urge and support an active policy of the FRG toward Eastern Europe. This might be seen as a "policy of re-engagement," directed at Poland, Czechoslovakia, Yugoslavia, and the Balkan states. The purpose would be to open up channels for Western influence in this area, and to cultivate the latent sense of these countries of being part of a European community.

In particular, we might encourage the FRG to: negotiate non-aggression pacts with them; augment trade, cultural and personal contacts; offer to subsidize repatriation of former citizens of these countries of German extraction, now resident in West Germany and wishing to return, on terms acceptable to East European governments; make compensation to nationals of East European countries who were victims of Nazi persecution (perhaps similar to such compensation for Nazi victims now in Israel).

4. Relation of FRG to GDR

We might encourage the FRG to move toward closer relations with the GDR. There should be at least de facto, possibly eventually de jure recognition of the GDR by the West for an indefinite period, but not to the prejudice of ultimate German reunification.

Such relations, at first technical, economic and cultural, might eventually reach political levels. They would deal with matters of common interest to Germans, including various modalities and alternative possibilities of reunification.

We might contemplate some eventual arrangement of a confederal type, perhaps a dual state in which each part preserved to some extent its identity and characteristic economic and social systems.

We need not be alarmed lest such contacts subject West Germany to a dangerous degree of Communist influence. It is three times as populous as the GDR, with far superior

resources.

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resources. It is, and will remain, part of a powerful and flourishing West European community (the Six). In any free give and take, the advantages should be overwhelmingly with the West.

East-West German relations should not tend to confirm the present division of Germany but rather prepare the way for the reestablishment of unity. Eventually--possibly after five or ten years--plans might emerge which could become the basis for political reunification of Germany as part of a general European settlement acceptable to Germany, to her European neighbors, and to the powers entrusted with the main responsibility for all-German matters.

5. European security aspects of a settlement

Provisionally, pending reunification, the two German states could conceivably remain members respectively of the NATO and Warsaw pacts. This might be for an extended period.

Progress toward plans for political reunification might be paralleled by measures to establish a Central European security zone. One possibility would be for such a zone to extend equally far, east and west, from the present line of division (Elbe line). This sort of arrangement has been proposed by de Gaulle (Adenauer would extend it from the Atlantic to the Urals, but this seems quite impracticable).

This central zone could be dealt with in various ways. It might be subject to inspection, eventual thinning out of forces, perhaps to a ban on nuclear weapons and installations, at least of a strategic character. As disarmament plans develop, it could be subject to regional arms limitations and controls.

As Germany became politically reunified, we might consider how, with adequate safeguards, all non-German forces could be withdrawn from its territory. It would be expected that Soviet forces would withdraw behind their own frontiers--this would be a matter of bargaining respecting possible re-deployment of US forces in non-German areas. We could not accept complete removal of US forces from Europe in return

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for Soviet retreat even to their frontiers except when agreed arms control arrangements had become effective. Even so, the "re-entry" problem would remain; the chief sanction against Soviet re-entry would be the clear assurance that we would regard it as a casus belli.

United Germany might be an armed neutral—or a confederation of two neutral states. It would appear a necessary condition for Soviet-Western agreement on reunification that a united Germany be excluded from both the NATO and Warsaw pacts. Its armaments would be regulated by treaty, preferably by a general disarmament treaty governing the Central European area.

A united Germany need not be barred from, and in fact would almost certainly join, a broad European security pact which ultimately might be the main insurance of peace in Central Europe.

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ANNEX

RECONSIDERATION OF MERITS OF THE UNITED STATES POSITION CONCERNING
THE POLISH-GERMAN FRONTIER

(Comments on section C-2 of S/P's policy paper, A New Approach to the German-European Problem, April 10, 1961.)

The question is raised as to whether the established United States policy regarding the Polish-German territorial question is now out of line with the interests of the United States and of the West in general, and whether a change in this policy would not therefore be to our net advantage.

Proposed Change in US (and Allied) Position

The policy paper under reference makes the following proposal:

"The US and its Western associates might publicly indicate their intent to approve the present provisional eastern boundaries of Germany, subject only to minor adjustments, in an otherwise acceptable general settlement. We would expect the governments of the FRG (Federal Republic of Germany) and the GDR (German Democratic Republic) to associate themselves with such a declaration.

"Such a step seems essential to allay fears of Germany's eastern neighbors of future aggressive designs by Germany, and thus to create the possibility of a basic settlement.

"de Gaulle has already taken this position. Some elements of German opinion might prove obstructive, but most Germans could probably be brought to pay this price for reunification."

In commenting upon such a proposal, one may begin by saying that a periodic review of this question is justified on the general ground that the issues involved are not static but changing ones. Important changes admittedly have taken place in the situation since the time when the present US policy regarding the Polish-German territorial question originally was enunciated. Whereas our official posture toward this territorial problem has remained fixed since 1945, the problem itself has not remained wholly

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as it was then, but has, on the contrary, been affected by trends in East-West relations as well as by the evolution within Poland and Germany the intervening decade and a half. The US position (like the British) was adopted at a time when the Oder-Neisse territories had not yet been polonized to any appreciable extent, and when there was still hope of an early settlement among the powers of the entire German problem. Since then, the latter hope has dwindled away, and meanwhile the integration of the disputed territories with Poland has advanced a long way. In addition, the official US relationship with Poland, after first becoming progressively strained, has more recently undergone a major change in the direction of contacts and cooperation, as a result of the shift in Polish Communist policies in 1956. On the other hand, the territorial issue has acquired further complexity through the emergence of Western Germany as a strong, independent state on our side, in whose relations with Poland and the Soviet Bloc the frontier issue is an exacerbating factor.

In view of these developments in the situation since the US position was first adopted, it is reasonable to consider whether a change in that position is called for. The question can properly be raised as to whether US acceptance of the Oder-Neisse Line not only might not be a more realistic position, but might not also offer positive advantages over our present policy, particularly if it seems likely to facilitate better US-Polish and West German-Polish relations, or even Western-Soviet relations in general.

This can only be determined, however, after taking account of the reasons for the present US position and trying to estimate the probable effects of our replacing (or, alternatively, continuing to adhere to) the latter.

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The Established US Position

The official US position regarding the Oder-Neisse line has been that of reserving our commitment to any specific territorial settlement in this region until such time as the general question of peace with Germany should come up for final settlement. This position has been based on our interpretation of the wording of the Potsdam Conference Protocol of 1945, according to which "the final delimitation of the western frontier of Poland should await the peace settlement." The United States (and also the UK) has acquiesced in the de facto possession of the Oder-Neisse territories by Poland but has denied the Soviet and Polish contention that the Potsdam formula implied an agreement to approve this exact territorial division at the future peace conference. On the contrary, US spokesmen have implied more than once that the United States probably would want to consider revisions of the provisional boundary, possibly substantial revisions, when that time came.

Thus Secretary Byrnes said at Stuttgart in 1946 that the US would support a revision of Poland's prewar western frontiers in Poland's favor, but that "the extent of the area to be ceded to Poland must be determined when the final settlement is agreed upon." Secretary Marshall went further, at the Council of Foreign Ministers in 1947, and indicated that apart from southern East Prussia and German Upper Silesia, which he said should become Polish, the US would want to study carefully just which German territories should be ceded to Poland and under what conditions, so as to take account of the needs of both Germany and Poland as well as general European interests.

Subsequent reiteration of the US position has generally been confined

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to emphasizing the principle that the boundary issue is one which cannot be settled apart from an overall German settlement. This was stated in the United States note of August 11, 1960 to the Polish Government, which cited the Potsdam Protocol provisions regarding Poland's western frontier and went on to stress the necessity of overcoming "the division of Germany, which, by preventing a real peace settlement, continues indefinitely the uncertainty arising from the border arrangements made at Potsdam." Most recently, President Kennedy in his reply at his April 12, 1961 new conference to a question about the Oder-Neisse Line stated, "I think that the satisfactory solution of the line should be part of a general solution of the problem of Germany."

The motives behind this US position have evolved and shifted somewhat in emphasis with the passage of fifteen years. The original reason which led us to insist on the provisional charter of the Oder-Neisse Line in the Potsdam Protocol was the US reluctance to accept as permanent what was felt to be an unwise transfer of an excessive amount of German territory to the Poles. The seizure of control in Poland by the Communists tended to confirm us in this reluctance. Later, with development of the cold war and emergence of the German Federal Republic as a key member of the Western alliance, the original United States motivation in the matter was strengthened if not overshadowed by a desire not to disturb the domestic politics of our German ally by any premature acquiescence in the de facto Polish frontier which might aggravate German nationalist tendencies. And despite a natural solidifying of that frontier with passage of time, there has been on our side a reluctance to consider any piecemeal concession,

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such as that of this territory, to the opposite camp and a feeling that if such a concession is to be made it ought to be by negotiation, as part of an overall settlement, in return for some equivalent concession on the Soviet part toward a satisfactory solution of the German question.

Meanwhile with the improvement of relations between the United States and Poland since 1956 we have taken official note of Polish fears of German territorial revisionism and have assured the Polish Government that the United States is determined force shall not be used to attempt to change Poland's western frontier. In talks with Polish leaders we have pointed out that we recognize Poland's administration of its western territories, though the legal problem remains unresolved as long as Germany stays divided. On the United States side, moreover, there has been no official repetition of the earlier pronouncements implying that the US would favor revision of the Oder-Neisse frontier when the question came up for final delimitation. At most, we now say that this question must be left for peaceful negotiation between Poland and a reunited Germany.

Thus, as things stand, the United States officially abides by the doctrine that the frontier is not yet fixed, although we have given certain informal and imprecise reassurances to the Poles. We can choose between continuing to stand on this position until such time as the boundary issue may come up in a future all-German peace settlement, or abandoning it on the grounds that it is not a realistic posture and that by accepting the finality of the existing frontier we can gain a net policy advantage.

Arguments for not Changing Policies

As far as arguments for continuing to stand by the present position

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are concerned, the principal advantage claimed is that by standing fast the US avoids precipitating an unpredictable and perhaps dangerous political reaction among the West Germans. This is a factor of substantial importance.

This is particularly true since the US, as head of the Western alliance, by announcing its acceptance of the Polish claim to former German territories would provoke a hostile reaction in the GFR which might jeopardize its cooperation as a NATO ally, and awaken fear of a general US retreat from support of the GFR. It could be argued that, by postponing such a risk, the US may never have to face it, since the question of returning any of these territories to Germany grows less real with each passing year and is on the way to being solved by time, so that by taking sides now the US would assume an onus in German public opinion which it can escape by letting the matter rest until oblivion overtakes it.

Whether there are other substantial advantages in addition to this one appears questionable. It is hard to evaluate the pressure we exert on the USSR by withholding recognition of the Oder-Neisse Line, but it seems hardly substantial. Nor has it been shown how, as a practical matter, we could use this issue at a future peace conference to extract from Moscow a quid pro quo. If anything, the USSR may prefer the ambiguity of the present US policy, as an aid to their charge that we support German imperialism and that the security of Eastern Europe against the latter depends solely on the Warsaw Pact. In any case, Western agreement to the frontier does not seem to be something they need, or that could be

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used eventually as bargaining power, since the territory in question is not physically ours to dispose of, lying as it does deep within the Soviet Bloc.

There remains, in favor of not abandoning the present US policy regarding the provisional character of the Oder-Neisse Line, the argument that this avoids any appearance of making piecemeal concessions involving Germany, and thus can be said to underline the US determination to seek a satisfactory overall German settlement with the USSR. However, if such a settlement is as remote as it appears to be, this consideration loses much of its force, and it loses even more force from the fact that time tends to confirm the de facto territorial settlement and that the West has so little leverage, in any case, with which to influence the determination of the frontier, as compared with its ability to assert its will in other areas of the German settlement.

Drawbacks of the Present Policy

1) By withholding US acceptance of the permanence of the existing frontier, we handicap our policy of seeking closer relations with Poland. The US then appears to be aligned solely with Germany, against the national interest of the Polish people; while the USSR can claim, in appearance, to be aligned with the latter. The net effect is to cause doubts, among the Polish people, of US friendship.

2) By leaving the territorial question open, the US makes it easier for the West German expellee spokesmen and other nationalist leaders to proliferate demands and propaganda for future recovery of the Oder-Neisse territories by Germany -- thereby furnishing grist for Soviet

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Bloc propaganda concerning aggressive intentions on the part of the GFR and NATO and supplying Poland with an argument against more normal relations with the GFR.

Advantages of Proposed Acceptance of the Oder-Neisse Line

What, on the other hand, are the benefits that might be expected to follow from a reversal of the position which the US has maintained since 1945? What advantage, that is, would there possibly be in our indicating acceptance of the finality of Poland's present western frontier?

Advantages of such a US move presumably might include the following:

1) It would assist our policy toward Poland by making plain to the Polish people that the United States takes account of their national interest. This not only would hearten the Poles but would eliminate a major issue on which the Polish Communist regime has based criticism of the United States, and would thereby tend to increase our opportunity for extending and consolidating the closer relationship with Poland built up over the past four years. In order to produce this result, however, the US acceptance of the Oder-Neisse Line would have to be unequivocal. Any proviso in our announcement concerning possible "minor adjustments" in the frontier, as proposed in the policy paper under reference, would appear to the Poles as an attempt to reopen the frontier question for German benefit, and would undoubtedly cost the US any advantage it might otherwise hope for from this step.

2) The US announcement would deflate the claim of Soviet Bloc propaganda (which has carried some weight among the Polish people) that the

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Warsaw Pact is the sole guarantee of Poland's territorial security.

3) It would take much of the force out of Soviet Bloc charges concerning the aggressive aims of NATO, by demonstrating that the US, as head of the NATO alliance, has no intention of letting the territorial issue become a source of war. This would help disentangle the valid defensive purpose of West German remilitarization from the specious charges made by the Bloc concerning an intended German reconquest of Polish territory.

4) It would deprive German expellee demands, which have been a disturbing factor in East-West relations, of much of their basis and hence probably diminish them.

5) Provided the GFR Government followed suit in acknowledging the frontier, the US move would help remove one obstacle to the establishment of more normal relations between Poland and the GFR -- since the Polish Government has insisted on GFR acceptance of the Oder-Neisse Line as the prerequisite of diplomatic relations. Such a GFR-Polish rapprochement would directly assist the Western policy of promoting closer engagement with the Soviet Bloc countries as a means of influencing them.

If one also wishes to mention the hypothetical possibility, occasionally raised, that the Soviets might some day offer Germany certain Oder-Neisse territories as part of a deal, to induce the Germans to break their alliance with the West, then one might argue that a US stand in support of the Oder-Neisse Line would be a restraining factor, on the ground that our support of Poland would give the Russians more cause to fear trouble from that country in case of such a maneuver.

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Limits to the Advantages of a Policy Shift

The potential benefits of changing the US position, enumerated above, should not be overestimated. In particular, US (and even GFR) acceptance of the Oder-Neisse frontier would only help to appease but would not remove Poland's distrust of the Germans and would not put an end to Soviet Bloc attacks on GFR remilitarization. The growth of the Bundeswehr would continue to be a main propaganda target of the Polish Communist regime.

Nor would such a US move affect the basic East-West controversy over German reunification, since the Polish border issue is not an integral part of that controversy.

It is questionable that US acceptance of the present frontier would make the Poles feel substantially less dependent on the USSR. While it would tend to relieve one specific anxiety of the Polish people, it would not change the geographic facts which keep them at the mercy of Soviet military domination.

While the US move would remove an irritant in our relations with the Polish Communist regime, it would have limited effect on the basic course of US-Polish relations at the governmental level, since the Polish Government's distrust of US motives is based on much more than our non-recognition of their frontier.

Moreover, even if the GFR Government followed the US example and acknowledged the cession of German territory to Poland, this would not dispose of the principal objection on the West German side against diplomatic

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relations with the Poles, i.e., the fact that the latter would require the GFR to sacrifice the benefits of the Hallstein Doctrine. This is a separate issue, on which an additional shift of policy would have to be made by the Bonn Government before the full advantage of its recognition of the Oder-Neisse Line could be realized on the side of closer relations with Poland.

In addition to the above qualifications, it is probably well to reiterate that the potential advantages to be gained from US acceptance of the Oder-Neisse Line would seem not to include the possibility of bargaining such a concession for something which we want from the Soviets. The idea of such a bargain has sometimes been raised -- for example, the suggestion that the US could offer Moscow our recognition of the Oder-Neisse Line in exchange for guarantees of Western access to Berlin (on the assumption that Khrushchev would welcome this as a face-saving formula for avoiding a military showdown over West Berlin). However, it is difficult to find a convincing argument for the proposition that US acknowledgment of the existing German-Polish frontier is something which Moscow needs or indeed wants. Soviet objectives in Germany would seem to be too fundamental and too important to be given up by Moscow in exchange for a US concession which the Soviets do not require, which, as noted above, would in fact have certain advantages for the West, and which undoubtedly would have too thin and inexpensive an appearance even as a face-saving device if such were ever sought. For the same reason, the suggestion in S/P's policy paper under reference, that the Oder-Neisse Line is a kind of price which could be

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paid (by the Germans) for reunification seems to be based on an invalid concept, since there is no necessary connection between the two issues.

On balance, therefore, it would seem unrealistic to regard the proposed shift in the US position regarding the polish-German frontier as an opportunity to score a major advantage for US policy in Europe. The most one can say, perhaps, is that there could be a net, though limited, gain from such a policy shift -- because it would enhance US relations with Poland, remove an injurious propaganda issue, and clear the way for a potential improvement in relations between the GFR and Poland. The change would also put the US in a more realistic policy posture, since there appears to be little practical prospect of this country's wanting to support any future large-scale revision of the frontier in question, or any prospect of another uprooting and transfer of the population of the Oder-Neisse territories, in any circumstances short of another war.

Implications for GFR-United States Relations

US acceptance of the present frontier, if given, would of course have to occur after adequate consultation with the GFR for the purpose of obtaining West German understanding of our purpose and, if possible, GFR agreement to cooperate in the new line of policy -- particularly by seeking a positive improvement of GFR relations with Poland. We would want to have the GFR political leadership prepared to deal with possible internal GFR repercussions. It is believed that there may be sufficient political realism in the West German body politic to enable the Germans to absorb the impact of such a policy shift by the US, provided it were

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carried out at a well-chosen time and in the right way. The majority of Germans presumably understand that the reunification of the GFR and the Soviet Zone is a much more fundamental national interest, overshadowing the problematic and unlikely recovery of more distant territories lost and by now largely de-germanized as a consequence of the war. Parallel action by the UK which presumably would follow, should contribute to the effectiveness of the US step. It would be prudent, however, to postpone any such move until after elections in Western Germany, so as to avoid an exacerbation of the territorial issue by German expellee organizations in the electoral campaign.

If the United States were to decide to announce the proposed change in its policy concerning the Polish frontier, the step should of course not be taken in a reluctant or negative manner giving an appearance of weakness or of unavoidable concession at the expense of another nation, the Germans. Rather, such a policy move should be made in such a way as to emphasize the positive idea behind it, i.e., our interest in and acknowledgment of the rightful claim of the Polish people to security and to adequate living space -- and, secondly but no less important, our understanding that the finalization of the Oder-Neisse frontier will be only a part of a more comprehensive peace settlement, in which the German people, likewise, will be given satisfaction of their equally justified claim to unity, security, and self-determination within their own territory.

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Memo prepared by GER summarizing the negotiating
history of the Berlin crisis since Nov., 1958

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March 1, 1961

THE BERLIN PROBLEM IN 1961

The Quest for a New Approach

1. After more than two years since the original Khrushchev threat of November 1958, unilaterally to terminate Western rights in Berlin, the Three Occupying Powers and the Federal Republic find themselves in a frustrating and worrisome situation. Despite the temporary lull in harassment of access and recent East German concessions permitting the restoration of interzonal trade arrangements, we know that, whenever it suits their purposes, the Soviets and the East Germans can again precipitate an active crisis and restore Berlin to the front pages of the world press. We can live with the status quo in Berlin but can take no real initiative to change it for the better. To a greater or lesser degree, the Soviets and East Germans can, whenever they are willing to assume the political consequences, change it for the worse.

2. Now this is a thoroughly unsatisfactory state of affairs for the West. It inevitably gives rise to the desire for some new approach, which will somehow or other extricate us, with honor and prestige preserved, from the awful burden of responsibility for an exclave which is militarily indefensible and which can only be maintained, under lessening conditions of credibility, by the ultimate threat of thermonuclear war. Critics of Western policy castigate it for immobility, lack of imagination, and failure to seize the initiative, and even those who are aware of the complexities and limitations inherent in our position cannot but hope that somewhere, somehow, a new and resolving formula can be found. In anticipation of further Soviet pressures within the coming months, it may be useful to review the status of the Berlin question and the approaches realistically open to us.

Soviet Objectives

3. Consideration of what can be done about Berlin must necessarily start with some estimate of Soviet objectives. Allowing for variations in emphasis, two broad explanatory theories have been advanced: (a) that the Soviets are using Berlin essentially as a lever to achieve their wider purpose of obtaining

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recognition of the GDR and consolidation of the satellite bloc, or (b) that West Berlin is a primary objective in itself because its continuance in its present form is so harmful to the East that it must be eliminated. The truth probably lies in a combination of the two. Berlin is a useful lever with which to attempt to gain broader objectives, whether it be the holding of a Summit meeting, a greater measure of recognition for the GDR, or stabilization of the status quo in Eastern Europe. At the same time, West Berlin's role as a channel for the flow of refugees, as a center of Western propaganda and intelligence activities, and as a show window which daily and dramatically highlights the relative lack of success in the East, is such that the Soviets may feel that they cannot tolerate it for the indefinite future.

4. Why, however, did the Soviets do specifically what they did in November 1958, and why have they been deterred from proceeding along their threatened unilateral path during the ensuing period?

The Development of the Crisis

5. The Berlin crisis has gone through four broad phases:

a. Following upon the Soviet note of November 27, 1958, there was an initial period of mutual restatement of position and exchanges of notes leading up to the Geneva Conference of Foreign Ministers which began on May 11, 1959. This was a period of intensive diplomatic activity among the Western powers during which they drew up the Western Peace Plan and made considerable progress in their contingency planning.

b. The period of the Geneva Conference of Foreign Ministers (May-August 1959) during the course of which the West agreed to discuss Berlin outside the context of German reunification and advanced proposals (rejected by the Soviets) for an "interim arrangement" on Berlin. The Soviets in turn made unacceptable proposals for an "interim arrangement".

c. The period between the Camp David talks and the collapse of the Paris Summit Meeting in May 1960. This likewise

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was a period of intensive Western diplomatic activity and many preparatory meetings.

d. The post-Summit period of relative diplomatic quiescence and of further Soviet postponement of threatened unilateral action pending the inauguration of a new American administration. GDR harassment of German civilian access provoked Western countermeasures which, in turn, led to GDR concessions, and by the end of 1960 the situation in and about Berlin had returned to as near normal as it ever gets.

6. It is reasonable to assume that, in November of 1958, the Soviets expected the combination of threat, pressure, and offer to negotiate to lead to a collapse of Western determination and acceptance of something along the lines of their free city proposal. Their subsequent postponement of what they claimed to be inevitable, their willingness to wait until some further negotiation or some other event had occurred, may be attributed to Soviet doubt that they could take the threatened unilateral action without precipitating a major crisis involving the risk of war. On the Western side, a major problem throughout this period has accordingly been to maintain the credibility, not only of the guarantee of Berlin against outright attack, but of the stated determination to defend Western rights in Berlin, ultimately at the grave risk of thermonuclear war. It is a moot point whether the credibility of the Western position has declined during the past two years in the light of comparative advances in weapons technology and related developments. There have been some disturbing signs of Soviet reluctance to believe that the West, given its divisions and its internal strains, would really prove firm in a showdown. However, this may be, an element of doubt has presumably persisted up to now sufficient to have deterred the Soviets from unilateral action.

7. Considered purely as a holding operation, Western efforts since November 1958 have been fairly successful. Nothing essential has changed in Berlin; the city continues to prosper economically; and the morale of the Berliners, despite some ups and downs, continues to be good. Moreover, since the initial Khrushchev threat, more than 350,000 refugees have come from East Germany to the West, the great majority through Berlin -- a

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further demographic drain which an already underpopulated GDR could ill afford.

The Western Approach in 1958-1960

8. From the outset, the Four Western Powers principally concerned have differed to some extent in both their appraisal of the situation and their estimate of desirable policy. These differences have never developed to the point of open disagreement (except in press leaks), and a fine show of Western unity was maintained at the Geneva Conference and the abortive Summit. However, the variations in approach which have emerged during the preparatory work for conferences presumably remain a constant factor. The British have been most willing to compromise in order to achieve a solution; but after the unfavorable reception given to their "slippery slope" memorandum of late 1958 (which in effect advocated trading recognition of the GDR for a Berlin settlement), they have been reticent to expose their basic thinking. The French and Germans, on the other hand, have been consistently negative in opposing the introduction of any elements of flexibility into the Western position, either on Germany as a whole or on Berlin in particular. The United States has shown itself more willing at least to consider possible new approaches provided they seemed compatible with basic Western interests, and has had to provide much of the initiative needed to organize the work during the preparatory phases prior to the Geneva and Summit Conferences.

9. In developing the Western position on Germany and Berlin, the Four Powers have passed through phases somewhat analogous to the four noted above. During the initial phase prior to the Geneva Conference of Foreign Ministers, the West still operated essentially on the assumption that discussion of the Berlin problem should be kept within the context of the all-German question. Within the State Department various new ideas were considered for incorporation into a Western package proposal to replace the Eden Plan of the 1955 Geneva Conference. After months of discussions within a series of Four-Power Working Group sessions in Washington, Paris, and London, some of these ideas survived in the Western Peace Plan put forward at Geneva on May 14, 1959. It is highly questionable whether even a more forthcoming version of

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Peace Plan (still consistent with basic Western interests) would have proved at all negotiable with the Soviets, although the Western package would have been more appealing as propaganda. At any rate after a few weeks of inconclusive discussion of the German question at Geneva, with the Soviets emphasizing the necessity of a peace treaty and all-German talks and the West extolling the merits of the Peace Plan, the conference moved on to the subject of Berlin proper for a wearisome and protracted period. Despite the concern which they caused the Germans and the Berliners, the Western proposals for an interim arrangement on Berlin might have provided a satisfactory modus vivendi for a period of some years. However, it became clear at Geneva that the Soviet concept of an interim arrangement differed too basically from that of the West to make agreement possible.

10. At the subsequent Camp David talks, the only agreement reached on Berlin was that negotiations would be reopened with a view to achieving a solution in accordance with the interests of all concerned and in the interest of the maintenance of peace. Khrushchev gave assurances that, in the meantime, the Soviets would take no unilateral action and President Eisenhower agreed that these negotiations would not be indefinitely prolonged. After an involved preparatory process, the preferred Western objective on Berlin for the Summit emerged as an agreement for a standstill for a period of time during which an attempt might be made at a lower level to achieve progress towards a more formal agreement. The basic Western position paper did, however allow for the possibility that the Western Powers might have to discuss an arrangement along the lines of their Geneva proposals of July 28, preferably with certain improvements. It also left open the possibility, under certain circumstances, of reviving the old Solution C of the London Working Group of April 1959. Since the collapse of the Summit, the Western emphasis has been largely on refinement of contingency planning (particularly in the countermeasures field), and there has been little further discussion of the substance of the position which the Western Powers might take into future negotiations with the Soviets on Berlin. Prior to any such negotiations, the Western Powers will presumably have to go through the usual preparatory throes; in any event, the British and French will probably approach us shortly after January 20 in this connection.

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11. It may be noted that, prior to the collapse of the Summit in Paris, the Soviets gave President de Gaulle the text of certain new proposals on Berlin (Tab A). While couched in apparently reasonable language, these were, in some respects, even less satisfactory than their final proposals at Geneva in 1959, and were clearly designed to lead to the ultimate goal of a Free City of West Berlin via an interim arrangement during the course of which the Western Powers would be allowed to bow out of their present position in Berlin. Khrushchev has on several occasions since intimated that these would be the opening Soviet proposals at the next meeting on the subject.

Formulation of the Western Position for 1961

12. The quest for an abiding solution to the Berlin problem is essentially a quest for a satisfactory context. In isolation Berlin will always be a problem, though conceivably less acute if some sort of modus vivendi can be found. It is therefore worth asking once again whether we cannot discover such a broader context.

13. In this search, Chancellor Adenauer has for more than a year emphasized that a real solution to the German problem (and therefore automatically the Berlin problem) could only come within the framework of a general settlement on disarmament. There is certainly much validity in this prescription. If the United States and the Soviet Union should actually be able to agree on the broad lines of a disarmament arrangement, this would undoubtedly do much to relieve pressures on Berlin. We cannot, unfortunately, rely on this happening within the next six to eight months.

14. It may be that Soviet interest in eventual achievement of an agreement on disarmament, and in other areas where, for whatever reasons, we may assume that both East and West have somewhat similar objectives, would provide the basis for a meaningful approach to the Soviets in an attempt to create a proper psychological framework for discussion of the Berlin question. Such an approach, calculated to impress on them the serious results which any unilateral action with respect to Berlin would have, might help to add to the Western deterrent

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at a time when some believe that the ultimate threat of thermo-nuclear war is becoming less credible. It is fair to assume, for example, that the Soviets do not wish to see the United States mobilize its resources behind a greatly enhanced defense program of the type which accompanied the war in Korea, when we quadrupled our defense expenditures. A warning, therefore, that continuation of the Soviet threat to Berlin will inevitably bring the kind of massive mobilization of American resources for defense of which Khrushchev knows we are capable, but which neither we nor he basically desire, might provide a useful prelude to any negotiations with the Soviets on Berlin. The exact timing and level of such an approach to the Soviets should accordingly be considered along with the more specific aspects of a possible modus vivendi on Berlin.

15. It is possible to dream up many different proposals on Berlin, each with its own variants. A distinction, however, between the merely theoretically conceivable and the conceivably possible, narrows down the field for further consideration. All of the approaches indicated below have, of course, come under review to a greater or lesser extent, but it may be useful at this point to note their main characteristics in attempting to appraise the practical courses of action open to the West.

a. All-German Sweetening for Some Interim Arrangement on Berlin

If Berlin is at least partially a lever which the Soviets are using to obtain other objectives of more basic importance to them, it is possible to suppose that, if some proposal could be made by the West which promises movement toward the achievement of these other objectives, the Soviets might be willing to ease their pressure on Berlin.

i) One of the Soviet "other objectives" is usually put in terms of enhancing the status of the GDR so as to move towards de facto dealings by the West, although not necessarily recognition, as part of a process of freezing the status quo in Central Europe. The memorandum which the British gave us in the fall of 1959 proposed, for example, sweetening the July 28 Geneva proposals by permitting all-German talks under the cover of a Four-Power Group.

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ii) A second possible kind of sweetening would involve changes in the Western Peace Plan. Ambassador Thompson in Moscow has suggested an extension of the time period in that plan to from 7 to 10 years to prove to the Soviets that there would not be a showdown by free elections for an extended period, while the Mixed German Committee provided for in the Peace Plan presumably would be in operation.

iii) Other proposals have stressed that Western initiatives relating to European security arrangements might provide such "sweetening". Ambassador Thompson has suggested that United States troop reductions in Germany, and particularly limitations on West German armament, might constitute a sufficiently fresh approach to the German question to have enough attraction for Khrushchev to get him to postpone action on West Berlin at least while it was being explored.

iv) In preparing for the Geneva and Summit Conferences, the Western Powers have considered the possibility, as a tactical matter, of expressing willingness to discuss the principles of a peace treaty with Germany (presumably in a deputy or expert group) if it appeared at some point during the conference that a Western offer to discuss peace treaty principles might tip the balance in favor of preventing Soviet unilateral action against the Western position in Berlin. There are a number of objections to such action, and the French and Germans, in particular, have expressed grave reserves about the whole idea. In any event, the possibility is still open to consideration as a tactical expedient under certain circumstances.

From the Western point of view, it is doubtful whether any of the foregoing ideas would really contribute much in a practical sense to the process of achieving German reunification though ostensibly related thereto. It seems unlikely that anything could be added to the Western Peace Plan of Geneva which would make it a negotiable basis for a general settlement within which the Berlin question would assume its proper proportion. The suggestion has been made, however, that the nuclear armament of Germany might still provide a possible bargaining counter. Senator Mansfield has recently revived the suggestion for compensatory United States and Soviet troop withdrawals from

Germany

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Germany as a possible basis for a settlement. In the past such proposals have always floundered in the face of strong opposition both within the United States Government and among our NATO Allies. Whether, in this period of rapidly advancing technologies and definitive commitment to long-term weapons strategy within the Western Alliance, there is any real room for flexibility in this area is beyond the scope of the present memorandum.

b. Temporary Geneva-Type Arrangement

A proposal for an interim arrangement on Berlin to last for a specified number of years might conceivably proceed along the lines of the Western proposals at Geneva of July 28, perhaps with certain modifications or additions. The unacceptable Soviet proposals handed to the French on May 9, 1960 envisaged an interim arrangement of sorts, though the position of the Western Powers at the end of the time period of two years would be untenable. Is there any real basis for assuming that the positions of the Western Powers and that of the Soviets could be brought close enough together to allow for some sort of compromise agreement on an interim arrangement for Berlin?

On the difficult issue of "rights", the British (in a memorandum which they gave us in the fall of 1959, but which they did not circulate either to the French or Germans) seemed prepared to accept an oral assurance by Khrushchev at the Summit that the Soviets would not take unilateral action purporting to end Western rights, at least until after negotiations at the end of the period of the interim agreement for a more lasting settlement had broken down. There seems to be agreement, however, among the other three Western Powers, that they cannot safely go beyond the July 28 proposals in any important respect. It will be recalled that the Western Foreign Ministers in Geneva agreed on certain minor fall-back positions for use in the event that the Soviets appeared to be prepared seriously to negotiate on the July 28 proposals.

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In preparing for the Summit Conference, the Western Powers agreed on a set of "Essential Conditions for an Arrangement for West Berlin" as well as certain "Possible Improvements in the Western Proposals of July 28, 1959". The precise use to which these would be put in actual negotiations with the Soviets was not agreed, and while the various "improvements" were obviously desirable from the Western point of view, there was no reason to suppose that they would be acceptable to the Soviets. The idea that the West is in a position to improve its situation in Berlin to any marked degree hardly seems realistic, although this consideration has not deterred the Germans and the Berliners from making rather far-reaching proposals for Western demands to be made during negotiations, the achievement of which would constitute a major diplomatic defeat for the Soviets in a situation where they admittedly negotiate from a position of geographical and tactical strength.

Abstracting from what might be politically acceptable, the Berlin situation can, of course, be broken down into a number of elements which are particularly objectionable to the Soviet Union and the GDR on which the West might conceivably make further concessions. There is West Berlin's role in the continuing heavy refugee flow, as a center of Western intelligence activity, and as a show window for the East and center of psychological and political pressure on the entire satellite area, particularly the GDR. The Western proposals at Geneva envisaged certain self-imposed restrictions in the propaganda and "activities" field, though these were defined in very general terms. Apart from the impossibility of obtaining quadripartite agreement, it is difficult to see how the West could go much beyond Geneva without undermining the entire rationale of its position in Berlin.

There is little indication, therefore, that an interim arrangement of the Geneva-type, unaccompanied by impossible conditions, will be a feasible objective. It seems likely, however, that, in any negotiations with the Soviets, the subject of an interim arrangement will inevitably arise as a logical consequence of the Geneva discussions. The Soviets will presumably put forward something along the lines of their May 9,

1960 proposals,

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1960 proposals, and the West might wish to start off with an offer along the lines of the "improved" Western proposals for an interim arrangement agreed by the Four Western Foreign Ministers on May 14, 1960. These sets of proposals are obviously irreconcilable, but at least an abbreviated Geneva-type exercise would probably be necessary at this point until it became clearly evident that there was no basis for a meeting of minds on any sort of interim arrangements.

c. All-Berlin Proposal

The Western position paper for the Summit Conference noted that, at a suitable point, it might be tactically advantageous to put forward an All-Berlin proposal even if such a proposal is considered nonnegotiable with the Soviets. In this connection the Four-Power Working Group prepared the text of such a possible All-Berlin agreement for tabling at the Conference. This text is available should it prove expedient for the West to advance an All-Berlin proposal in the future. Despite continuing German (and West Berlin) misgivings about the dangers of the All-Berlin approach, the other Western Powers have never regarded acceptable proposals of this type as seriously negotiable with the Soviets though perhaps useful to put forward for tactical and propaganda reasons at a suitable stage in discussions with the Soviets. There is no reason to suppose that this will not continue to be the case.

d. Guaranteed City

The proposal for a "guaranteed city" has been discussed extensively within the Department and represents perhaps the most acceptable arrangement on Berlin which can be devised involving a change of juridical basis for the Western presence in the city. (Another type of proposal based on the same premise which has been given consideration is that of some UN trusteeship arrangement, but this has been held less desirable.) While President Eisenhower was generally familiar with the continuance of the "guaranteed city" proposal, it has never been discussed within the United States Government or put forward to our Western Allies. In essence, it involves agreement by the Four Powers to guarantee the security of Western military and civil access to West Berlin, with the Western Powers agreeing

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simultaneously to suspend the exercise of their occupation rights so long as the agreement was otherwise being observed. The West Berlin authorities would be empowered to request that foreign troops up to a stated ceiling be stationed in West Berlin and each Western Power would agree to supply and maintain any forces so requested. Full and unrestricted access for these troops would be guaranteed. The agreement would be registered with the UN and a representative of the UN Secretary General might observe its fulfillment.

While such a "guaranteed city" arrangement would obviously be preferable to anything along the lines of the Soviet Free City proposal, it involves many hazards. For example, its advocacy by the United States at the present time would probably cause a political crisis within the Western Alliance, since it would be interpreted as a sign of weakness and loss of determination to maintain our position in Berlin. Neither the French nor the West Germans would find it acceptable and it could probably only be advanced within a political and psychological climate of considerably greater detente between the East and West than now exists. However, given the division of Germany for an indefinite future, and with the passage of time rendering the Western occupation of Berlin increasingly anachronistic, a formula along these lines will presumably continue to have a certain appeal.

e. Solution C of the April 1959 London Working Group Report

The quadripartite tactics paper prepared for the Summit provided that, if an impasse had been reached at the conference and it seemed that the Soviets would proceed to take unilateral action purporting to end their responsibilities in the access field, the Western Powers might wish to consider making a proposal involving a series of interlocking but unilateral declarations on Berlin access aimed at achieving a freezing of existing procedures, with ultimate Soviet responsibility being maintained, although implementation might be by the East German authorities. This is essentially Solution C which was devised by the Four-Power London Working Group in April 1959. (See Tab B for fuller description as prepared by Four-Power Working

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Group for last year's Summit Meeting.) Since then it has had a somewhat checkered existence, but has survived as an ingenious way of dealing with a situation which may in fact arise whatever the Western Powers may want or do. It is possible to vary its complexity and specific content (for example, by adding similar unilateral declarations on propaganda activity and by introducing a UN role), but the access problem remains its focal point.

One aspect of Solution C, which was devised primarily for use in negotiations with the Soviets, is that its basic approach could conceivably be applied to a situation in which such formal negotiations do not take place or, if they do and have failed, to a subsequent stage of developments. In any event, from a purely tactical point of view, it would seem unwise to open any negotiation with the Soviets by putting forward Solution C. If used at all, it would seem most effective as a fallback position after a process of elimination of other possibilities has taken place.

f. Tacit Temporary Freeze

Although this seemed like a possible approach in 1960, it may no longer have much relevance in view of what seems to be Soviet determination to resolve the Berlin question in 1961. The precise modalities of such a freeze would depend on circumstances, but the essential thought was that, since neither standing on our Geneva position, nor discussing German unity and disarmament, nor proposing an immediate change of status in Berlin seemed very promising means of reducing an agreement and of forestalling unilateral action by the Soviets, a further holding action would be preferable. This would have had as objective freezing the situation in Berlin until after the German elections in September 1961.

Under one variant it was suggested that such a holding action might consist of a tacit agreement to put Berlin on ice for eighteen months or so by setting up a Four-Power Working Group to consider means of reducing frictions in Berlin and to report back at the expiration of the indicated time period. If the Soviets wished some more explicit agreement for the interim period, it was suggested that we could also propose concomitant

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unilateral declarations by both sides along the lines of Solution C, without mentioning troop reductions or attempting to conclude the kind of formal and comprehensive agreement which would have to deal with the "rights" issue.

In this case the assumption might be that, in the event the Working Group were unable to arrive at agreement, the period of eighteen months would be extended indefinitely, with the Solution C procedures continuing to prevail. A tacit understanding on both sides would, of course, be necessary that this was the best way to deal with an otherwise irresolvable situation. One disadvantage of the use of Solution C in such a context would be its identification with the temporary period to a point where its use as basis of a more lasting de facto arrangement might be nullified.

g. Delaying Action Without Specific Substantive Arrangement

As a palliative for anticipated failure to reach any agreement in the next round of negotiations, we might simply try to reach agreement on some machinery to continue a negotiating procedure, for example, at the level of the Foreign Ministers or Deputy Foreign Ministers, without pressing for a more formal kind of interim arrangement. This was essentially the preferred Western position at the abortive Summit. Whether it has any relevance to the situation in 1961 is doubtful; in any event, the Western Powers would obviously have to be prepared to deal with a Soviet refusal to delay indefinitely on Berlin in the absence of any progress towards agreement.

h. Mitigated Breakdown of Negotiations

Given a failure to find any basis for agreement on Berlin in the next round of talks, it might be possible to achieve some sort of tacit understanding with the Soviets so that the claimed effects of their signing a separate peace treaty with the GDR would be mitigated to the extent of preserving the essentials of the Western position in Berlin without an explicit new agreement, and thus avoid a major crisis or blow to Western prestige. This might likewise involve some of the elements of Solution C,

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probably, although not necessarily, without their being embodied in any formal declarations. Such an arrangement could subject the Western Powers to strong erosive pressures to deal with the GDR, but might under certain circumstances be preferable to an absolute breakdown of negotiations, unqualified signature of a peace treaty between the Soviets and the GDR, and the execution of our contingency plans.

i. Complete Breakdown of Negotiations with the Soviets

This would presumably precipitate the situation for which Western contingency plans have been prepared, i.e., to cope with the eventuality that the Soviets will sign a peace treaty with the GDR and turn over all checkpoint controls to the GDR authorities. It seems unlikely that the Western Powers would wish to enter the last round of negotiations deliberately intending to force their breakdown and hence the probable entry into effect of our contingency plans. They may, however, find the Soviet position so unreasonable that a breakdown of negotiations at some point becomes impossible to avoid. There are some who believe that the actual implementation of Allied contingency plans would be the most desirable course of action given continued impasse on Berlin and Soviet determination to proceed with unilateral action in turning over their responsibilities to the GDR. The hope would be that the situation would stabilize at some relatively early and still acceptable stage of the contingency plans. The Soviets might conceivably accept this as the lesser of evils under the circumstances, but it is hard to anticipate in advance how this might work out.

Conclusions

16. However impelling the urge to find some new approach to the Berlin problem, the ineluctable facts of the situation strictly limit the practical courses of action open to the West. The history of the Berlin crisis since November 1958 gives little reason for thinking that a lasting settlement can be devised which, under current circumstances, will prove acceptable to both East and West.

17. A vital component of the Western position is the maintenance of a credible deterrent against unilateral Soviet action.

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Without this the full geographic weaknesses of the Western position in Berlin will have decisive weight in any negotiation. Thought should be given to the possibility of other deterrents than the pure threat of ultimate thermonuclear war.

18. Further thought should also be given to the possibility of providing some all-German "sweetening" for the continuing discussion of the Berlin question with the Soviets. This should be done, however, in full awareness of the unlikelihood that any real step towards German reunification can be achieved within the calculable future under circumstances acceptable to the West.

19. In planning for further negotiations with the Soviets, the Western Powers must realistically expect that they will once again be forced to discuss the question of Berlin in isolation. While it is unlikely that a satisfactory interim arrangement on the Geneva-type can be achieved, it will probably be necessary and desirable to prove this by actual exchanges during the course of a conference. Under certain ensuing circumstances the Western Powers might find it desirable to aim at a stabilization of existing access procedures but allowing for an East German role along the lines of Solution C, or alternatively they might find it necessary to contemplate the execution of their contingency plans.

Attachments:

Tab A - Soviet Proposals on Berlin

Tab B - Solution C

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MEETINGS OF CHIEFS OF STATE AND HEADS OF GOVERNMENT
PARIS, MAY, 1960

U.S. DELEGATION TRANSLATION OF FRENCH TRANSLATION
OF RUSSIAN TEXT HANDED TO FRENCH BY SOVIET AMBASSADOR
IN PARIS ON MAY 9, 1960

PROPOSALS OF THE SOVIET GOVERNMENT

The Soviet Government favors proceeding immediately to the signature of a peace treaty with the two German states. However, since such a solution of the problem raises objections on the part of the Western Powers, the Soviet Government, which as always strives to achieve concerted action on the German question among the four principal members of the anti-Hitler coalition, is prepared meanwhile to agree to an interim solution. This interim solution would consist of the signature of a temporary (provisoire) agreement on West Berlin, suited to prepare conditions for the ultimate transformation of West Berlin into a free city and the adoption of measures leading to the preparation of the future peace settlement. In this connection the Soviet Government proposes the following:

1. To conclude a temporary agreement for two years relating to West Berlin. The agreement would include approximately the same list of questions as those which had already been discussed in 1959 by the Foreign Ministers at Geneva and, without bringing any radical change to the actual status of West Berlin, would, however, open the way to the elaboration of a new and agreed status for the city corresponding to peacetime conditions.

The temporary agreement should envisage the reduction of the effective strength of the forces of the Three Powers in West Berlin, which reduction could take place progressively in several stages. It would likewise be suitable to put in writing the intention expressed by the Three Powers not to place in West Berlin any kind of nuclear weapons or missile installations.

The agreement should moreover include a commitment to take measures to prohibit the use of the territory of West Berlin

as a base

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as a base of subversive activity and of hostile propaganda directed against other states. Measures concerning the prohibition of subversive activities and of hostile propaganda with respect to West Berlin might likewise be envisaged under an appropriate form.

In the accord account would also be taken of the declarations of the Soviet Union and of the GDR concerning the maintenance of the communications of West Berlin with the outside world in the form in which they exist at present for the duration of the temporary agreement.

The engagements concerning the GDR could in that event take a form which would not signify diplomatic recognition of the GDR by the Western Powers who would be parties to the agreement.

To supervise the fulfillment of the obligations flowing from the temporary agreement regarding agreed measures in West Berlin, and to take, in case of necessity, measures assuring the fulfillment of the agreement reached, a committee could be set up composed of representatives of the French Republic, the United Kingdom, the Soviet Union and the United States of America.

2. At the same time that they conclude an agreement on West Berlin, the Four Powers will make a declaration inviting the two German states to take advantage of the interim period fixed by the agreement in order to attempt to arrive at a common point of view on the German question. Contact could be established between the two German states by means of the creation of an all-German committee or under some other form acceptable to them.

In formulating these proposals, the Soviet Union proceeds from the thought that, if the German states refuse to engage in conversation with one another, or if, at the expiration of the temporary agreement, it becomes clearly evident that they are not able to come to an understanding, the Four Powers will sign a peace treaty with the two German states or with one of them, as they would judge it desirable. Of course, if the GDR and the GFR succeed in reaching an agreement, there will be no obstacle to the conclusion of a single peace treaty for all of Germany. Moreover, measures will be taken in order to transform West Berlin into a

free city.

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free city. As far as the statute of the free city of West Berlin is concerned, the USSR would prefer to elaborate this in common with France, the United Kingdom and the United States.

In proposing the transformation of West Berlin into a free city the Soviet Union does not in any way wish to damage the interests of the Western Powers, to change the present mode of life in West Berlin or to attempt to integrate this city within the GDR. The Soviet proposal derives from the existing situation and tends to normalize the atmosphere in West Berlin while taking account of the interests of all parties. The creation of a free city would not damage the economic and financial relations of West Berlin with other states, including the GFR. The free city would be able to establish as it pleases its external, political, economic, commercial, scientific and cultural relations with all states and international organizations. Completely free relations with the external world would be assured to it.

The population of West Berlin would receive sure guarantees of the defense of its interests, with the Governments of the Soviet Union, of the United States, of France and of the United Kingdom assuming the required obligations in order to guarantee the precise execution of the conditions of agreement on the free city. The Soviet Union states that it also favors participation of the United Nations in the guarantees given to the free city. It goes without saying that, in the event of the reunification of Germany, the maintenance of the special situation of the free city of West Berlin would no longer have any basis.

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SOLUTION "C": LONDON WORKING GROUP REPORT

1. Solution "C" was devised to cover a situation in which the Soviets were attempting to give up all their responsibilities regarding Western access to Berlin. Under their contingency plans, the Occupying Powers are prepared to consider the possibility of a solution in which the Soviets would expressly authorize GDR personnel to function as Soviet agents in performing Soviet functions with relation to the access of the Three Powers to Berlin. Solution "C" assumes that the Soviets are not prepared explicitly to nominate the East German authorities as their agents. In effect it is an attempt to consider what would be the absolute minimum Soviet commitment with regard to access which the West would, in the last resort, be prepared to accept. Solution "C" may be summarized as follows:

2. The Western Powers would inform the Soviets and subsequently make a formal declaration to the effect that:

a) they consider that they have absolute and unqualified rights, until Berlin is once more the capital of a reunified Germany, and that these rights include the right to have their troops remain in West Berlin and to have freedom of communications maintained between West Berlin and the Federal Republic in the same general conditions as hitherto;

b) they continue to hold the Soviet Government responsible for the fulfillment of its obligations to the Three Powers in relation to their presence in Berlin and freedom of access thereto.

3. The Western Powers would then state that they would be prepared to take cognizance of a declaration of the Soviet Government guaranteeing that free and unrestricted access to West Berlin by land, by water and by air would be maintained for all persons, goods and communications, including those of Western forces stationed in Berlin, in accord with the procedures in effect in April, 1959 and would not object if the East German authorities made a parallel statement to the same effect. The Western Powers would make it clear that the access procedures could thereafter be carried out by German personnel. (As a less satisfactory

alternative,

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alternative, the Western Powers would be prepared to accept a Soviet declaration associating the Soviet Government with an East German declaration in accordance with the terms set forth above, previously made either to the Soviet Government or "to whom it may concern".)

4. The Western Powers would state that all disputes which might arise with respect to the above-mentioned declarations would be raised and settled between the four governments. [If the Soviet Government refused to accept this the Western Powers should say that, in order to have some check on the activities of the East German authorities, the Four Powers should request the Secretary General of the United Nations to provide a representative, supported by adequate staff, to be established in both West and East Berlin, and at the access check-points, for the purpose of reporting to the Four Powers concerning any activities which appeared to be in conflict with the above-mentioned declarations.]

5. The above are the only essential elements of Solution "C". Tentative language for the declarations involved has been considered by the Working Group and texts could be produced at short notice once the principles had been agreed.

6. [In connection with Solution "C", it would be possible to introduce certain elements along the lines of the Geneva proposal of July 28, e.g., undertakings regarding force limitations and abstention from "questionable activities" on a reciprocal basis. But these are not essential elements of Solution "C".]

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DEPARTMENT OF STATE

FOR THE PRESS

MARCH 24, 1960

NO. 152

CAUTION - FUTURE RELEASE

FOR RELEASE AT 12:00 NOON, E.S.T., THURSDAY, MARCH 24, 1960.
NOT TO BE PREVIOUSLY PUBLISHED, QUOTED FROM, OR USED
IN ANY WAY.

During recent months, it has been evident that representatives of the East German regime have been endeavoring to implant through various propaganda means the notion that Berlin is "part of" or "on" the territory of the Zone of Occupation allocated to the Soviet Union and hence "part of" or "on" territory of the regime in Eastern Germany.

Since the matter of the nature and definition of the areas of Germany to be occupied by the Allied Powers has thus been made a matter of public issue, there is released herewith a photographic reproduction of the original English and Russian texts of the agreement between the United States, United Kingdom and the U.S.S.R. concerning the areas which their respective military forces would occupy in Germany. The Documents make clear that the Berlin area was not "part of" or "on" the territory to be occupied by any of the Powers under the agreement. Rather, the agreement clearly indicates that Berlin was designated as a separate area to be jointly occupied. The Allied military forces have remained in Berlin without relinquishing the rights derived from the military defeat of Nazi Germany. There is, therefore, no basis for suggesting that Berlin has somehow been mysteriously merged with or placed on the territory of one of the occupation Powers.

The Documents and accompanying map were signed in London by John G. Winant for the United States, by Sir William Strang for the United Kingdom, and by F. T. Gousev for the Soviet Union.

(Note: Blanks in paragraphs of the agreement describing two zones and two sectors were filled in with "United Kingdom" and "United States of America" on November 14, 1944. On July 26, 1945, the agreement was amended to include the French Republic. The American and British sectors of Berlin and zones in Western Germany were subdivided to provide appropriate areas for French forces. Neither action affected sector or zonal boundaries between Western and Soviet areas.)

PROTOCOL

PROTOCOL

between the Governments of the United States of America,
the United Kingdom, and the Union of Soviet Socialist
Republics, on the zones of occupation in Germany and the
administration of "Greater Berlin"

____oOo____

The Governments of the United States of America, the United
Kingdom of Great Britain and Northern Ireland, and the Union of
Soviet Socialist Republics have reached the following agreement
with regard to the execution of Article 11 of the Instrument of
Unconditional Surrender of Germany :-

1. Germany, within her frontiers as they were on the
31st December, 1937, will, for the purposes of occupation, be
divided into three zones, one of which will be allotted to each
of the three Powers, and a special Berlin area, which will be
under joint occupation by the three Powers.
2. The boundaries of the three zones and of the Berlin
area, and the allocation of the three zones as between the U.S.A.,
the U.K. and the U.S.S.R. will be as follows :-

Eastern Zone
(as shewn on
the annexed
map "A")

The territory of Germany
(including the province of East
Prussia) situated to the East of
a line drawn from the point on
Lübeck Bay where the frontiers of
Schleswig-Holstein and Mecklenburg
meet, along the western frontier
of Mecklenburg to the frontier of
the province of Hanover, thence,
along the eastern frontier of
Hanover, to the frontier of
Brunswick ; thence along the
western frontier of the Prussian
province of Saxony to the western
frontier of Anhalt ; thence along

the/

the western frontier of Anhalt ;
thence along the western
frontier of the Prussian
province of Saxony and the
western frontier of Thuringia to
where the latter meets the Bavarian
frontier ; thence eastwards along
the northern frontier of Bavaria
to the 1937 Czechoslovakian frontier,
will be occupied by armed forces of
the U.S.S.R., with the exception
of the Berlin area, for which a
special system of occupation is
provided below.

North-
Western
Zone
(as shewn
on the
annexed
map "A")

The territory of Germany situated
to the west of the line defined
above, and bounded on the south by
a line drawn from the point where
the western frontier of Thuringia
meets the frontier of Bavaria ;
thence westwards along the southern
frontiers of the Prussian provinces
of Hessen-Nassau and Rheinprovinz
to where the latter meets the frontier
of France will be occupied by armed
forces of

South-
Western
Zone
(as shewn
on the
annexed
map "A")

All the remaining territory of Western
Germany situated to the south of the
line defined in the description of the
North-Western Zone will be occupied by
armed forces of

The frontiers of States (Länder) and
Provinces within Germany, referred to
in the foregoing descriptions of the
zones, are those which existed after
the coming into effect of the decree
of 25th June, 1941 (published in the
Reichsgesetzblatt, Part I, No. 72,
3rd July, 1941).

Berlin
Area
(as shewn
on the
annexed
4 sheets
of map "B")

The Berlin area (by which expression
is understood the territory of "Greater
Berlin" as defined by the Law of the
27th April, 1920) will be jointly
occupied by armed forces of the U.S.A.,
U.K., and U.S.S.R., assigned by the
respective Commanders-in-Chief.
For this purpose the territory of
"Greater Berlin" will be divided into
the following three parts :-

North-Eastern part of "Greater Berlin"
(districts of Pankow, Prenzlauerberg,
Mitte, Weissensee, Friedrichshain,
Lichtenberg, Treptow, Köpenick) will
be occupied by the forces of the
U.S.S.R. :

North-Western/

North-Western part of "Greater Berlin"
(districts of Reinickendorf, Wedding,
Tiergarten, Charlottenburg, Spandau,
Wilmerdorf) will be occupied by the
forces of

Southern part of "Greater Berlin"
(districts of Zehlendorf, Steglitz,
Schöneberg, Kreuzberg, Tempelhof,
Neukölln) will be occupied by the
forces of

The boundaries of districts within "Greater Berlin", referred to in the foregoing descriptions are those which existed after the coming into effect of the decree published on 27th March, 1938 (Amtsblatt der Reichshauptstadt Berlin No. 13 of 27th March, 1938, page 215).

3. The occupying forces in each of the three zones into which Germany is divided will be under a Commander-in-Chief designated by the Government of the country whose forces occupy that zone.
4. Each of the three Powers may, at its discretion, include among the forces assigned to occupation duties under the command of its Commander-in-Chief, auxiliary contingents from the forces of any other Allied Power which has participated in military operations against Germany.
5. An Inter-Allied Governing Authority (Komendatura) consisting of three Commandants, appointed by their respective Commanders-in-Chief, will be established to direct jointly the administration of the "Greater Berlin" Area.
6. This Protocol has been drawn up in triplicate in the English and Russian languages. Both texts are authentic. The Protocol will come into force on the signature by Germany of the Instrument of Unconditional Surrender.

The above text of the Protocol between the Governments of the United States of America, the United Kingdom and the Union of Soviet Socialist Republics, on the zones of occupation in Germany and the administration of "Greater Berlin" has been prepared and unanimously adopted by the European Advisory Commission at a meeting held on 12th September, 1944, with the exception of the allocation of the North-Western and South-Western zones of occupation in Germany and the North-Western and Southern parts of "Greater Berlin", which requires further consideration and joint agreement by the Governments of the U.S.A., U.K. and U.S.S.R.

Representative of the
Government of the
U.S.A. on the
European Advisory
Commission :

J.G. Winant

John G. Winant

Representative of the
Government of the
U.K. on the
European Advisory
Commission :

W. Strang

William Strang

Representative of the
Government of the
U.S.S.R. on the
European Advisory
Commission :

F.T. Gousev

F.T. Gousev

LANCASTER HOUSE,
LONDON, S.W.1.

12th September, 1944.

ПРОТОКОЛ

Соглашения между Правительствами Соединенных Штатов Америки, Соединенного Королевства и Союза Советских Социалистических Республик о зонах оккупации Германии и об управлении "Большим Берлином".

Правительства Соединенных Штатов Америки, Соединенного Королевства Великобритании и Северной Ирландии и Союза Советских Социалистических Республик пришли к следующему соглашению относительно выполнения статьи II Документа о безоговорочной капитуляции Германии:

1. Германия в границах, существовавших на 31 декабря 1937г., будет разделена для целей оккупации на три зоны, по одной из которых будет отведено каждой из трех держав, а также будет выделен особый район Берлина, оккупируемый совместно тремя державами.

2. Границы трех зон и района Берлина, а также распределение трех зон между США, Соединенным Королевством и СССР устанавливаются следующие:

<u>Восточная зона</u> /как показана на прилагаемой карте "А"/.	Территория Германии /включая провинцию Восточная Пруссия/, расположенная к востоку от линии, проходящей от пункта на берегу Любекского залива, где сходятся границы Шлезвиг-Гольштейна и Мекленбурга, по западной границе Мекленбурга до границы провинции Ганновер, затем по восточной границе Ганновера до границы Брауншвейга, затем по западной границе прусской провинции Саксония до западной границы Ангальт, далее по западной границе Ангальт, затем по западной границе прусской провинции Саксония и западной границе Тюрингии до пересечения ее с баварской
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границей и далее на восток по северной границе Баварии до чехословацкой границы 1937 года, занимается вооруженными силами СССР, за исключением района Берлина, для которого ниже предусматривается особый порядок оккупации.

Северо-западная зона

/как показана на прилагаемой карте "А"/.

Территория Германии, расположенная к западу от линии, описанной выше, и ограниченная с юга линией, проходящей от пункта пересечения западной границы Тюрингии с границей Баварии, и далее на запад по южным границам прусских провинций Гессен-Нассау и Рейнпровинц до пересечения последней с границей Франции, занимается вооруженными силами

.....

Юго-западная зона

/как показана на прилагаемой карте "А"/.

Вся остальная территория западной Германии, расположенная к югу от линии, указанной в описании северо-западной зоны, занимается вооруженными силами

В вышеприведенных описаниях зон границы земель /Länder / и провинций внутри Германии являются теми, которые существовали после вступления в силу декрета от 25 июня 1941г. / опубликован в Reichsgesetzblatt, часть I, № 72 от 3 июля 1941г./.

Район Берлина

/как показан на прилагаемой карте "Б" на четырех листах/.

Район Берлина /под этим выражением подразумевается территория "Большого Берлина", определенная законом от 27 апреля 1920г./ занимается совместно вооруженными силами США, Соединенного Королевства и СССР, выделяемыми соответствующими главнокомандующими. С этой целью территория "Большого Берлина" разделяется на следующие три части:

Северо-восточная часть "Большого Берлина"

/районы: Панков, Пренцлауэрберг, Митте, Вейсен-
зее, Фридрихсхайн, Лихтенберг, Трептов, Кепеник/
занимается вооруженными силами СССР;

Северо-западная часть "Большого Берлина"

/районы: Рейникендорф, Веддинг, Тиргартен, Шар-
лоттенбург, Шпандау, Вильмерсдорф/ занимается
вооруженными силами

Южная часть "Большого Берлина" /районы:

Целлендорф, Штеглиц, Шенеберг, Крейцберг, Темпель-
гоф, Нейколы/ занимается вооруженными силами

.....
В вышеприведенных описаниях границы районов внутри
"Большого Берлина" являются теми, которые сущест-
вовали после вступления в силу декрета, опублико-
ванного 27 марта 1938г. / Amtsblatt der Reich-
shauptstadt Berlin, № 13 от 27 марта 1938г.,
стр.215/.

3. Оккупационные вооруженные силы в каждой из трех зон,
на которые разделяется Германия, подчиняются главнокоманду-
ющему, назначенному правительством той страны, вооруженные
силы которой оккупируют данную зону.

4. Каждая из трех держав по своему усмотрению может вклю-
чать в число вооруженных сил, предназначенных для выполнения
оккупационных обязанностей под командованием своего главноко-
мандующего, вспомогательные контингенты из числа вооруженных
сил любой другой союзной державы, которая принимала участие в
военных операциях против Германии.

5. Для совместного управления районом "Большого Берлина"
создается Межсоюзная Комендатура в составе трех комендантов,
назначаемых их соответствующими главнокомандующими.

6. Настоящий Протокол составлен в трех экземплярах, каждый на английском и русском языках. Оба текста являются аутентичными. Протокол вступает в силу одновременно с подписанием Германией Документа о безоговорочной капитуляции.

Вышеприведенный текст Протокола Соглашения между Правительствами Соединенных Штатов Америки, Соединенного Королевства и Союза Советских Социалистических Республик о зонах оккупации Германии и об управлении "Большим Берлином" разработан и единогласно принят Европейской Консультативной Комиссией на заседании от 12 сентября 1944 года, за исключением распределения Северо-западной и Юго-западной зон оккупации Германии, а также Северо-западной и Южной частей "Большого Берлина", что подлежит дополнительному обсуждению и совместному решению Правительств США, Соединенного Королевства и СССР.

Представитель Правительства США в Европейской Консультативной Комиссии:

Представитель Правительства Соединенного Королевства в Европейской Консультативной Комиссии:

Представитель Правительства СССР в Европейской Консультативной Комиссии:

John S. Winant.

/Д.Г.ВАЙНАНТ/

William Frank

/У.СТРАНГ/

Ф.Т.Гусев

/Ф.Т.ГУСЕВ/

MAP 'A'

ANNEX TO PROTOCOL ON ZONES
OF OCCUPATION OF GERMANY AND THE
ADMINISTRATION OF "GREATER BERLIN"

7.5.44. 14/12-44.

GERMANY: ZONES OF OCCUPATION

INTERNATIONAL FRONTIERS 1937 · INTERNAL BOUNDARIES 1941



LEGEND

- International Boundaries 31 Dec. 1937
- Boundaries - Länder 2 Aug. 1941
- " - Provinzen "
- " - Reg. Bez. "
- " - Kreise "

1. A solution of the Berlin question in the sense of the Soviet endeavours would have directly and in a relatively short time the following valuable consequences for the East Bloc:

a) Removal of the occupation right for the eastern part of the city, which would necessarily be followed sooner or later by the repeal of the "little" occupation statute in West Berlin. In this way, the Western occupation powers would lose the possibility of exercising their executive authority and acting on their own discretion in West Berlin in case of a declared state of emergency.

b) By means of the administrative and organizational separation of West Berlin from the Federal Republic and from the sphere of NATO activity, West Berlin will no longer serve as a "bridgehead" of the West against the SZ. In the long run the condition might also be developed in which military forces belonging to antagonist military blocs would no longer directly confront each other in the territory of Berlin. It could thus be avoided that every incident of local significance can lead to a major conflict.

c) Inasmuch as neutrality for all of Germany is unattainable, it could at least be carried out in West Berlin. The operation of this form of neutrality would enhance the concept of neutrality in the minds of the German public during the next decade. Moreover, the respect of the Federal Republic and of the NATO powers for a neutral West Berlin in the center of the Eastern domain would prevent an intensification of tensions in Central Europe.

d) The enforcement of a Berlin settlement and of a peace treaty would deal a severe blow to the standing of the Federal Republic and would remove its political and propaganda influence in West Berlin with all of its effects on the SZ and on the other socialistic countries. This would result in a political and economic consolidation of the SZ.

e) A definite Berlin settlement would also militate against the announced aim of Western policy in eastern Europe, because West Berlin is regarded as a test case by the people of eastern Europe. All hopes that there could still be a change in the power relationships in Eastern Europe would be dashed.

f) Furthermore, the Hallstein Doctrine would be undermined, and the gradual equalization of the SZ as well as its recognition in many neutral - and later also in many Western - countries could be set in motion. This would also represent the first step preparatory to the admission of two German states in the UN. In addition to this, the Soviet Union would sympathetically examine the possibility of admitting a neutral West Berlin to the UN.

g) The Oder-Neisse boundary would be safeguarded, because, subsequent to a conclusion of even a unilateral peace treaty and a special Berlin settlement, a revision of this boundary would no longer be possible. Such a settlement would also result in a better protection for the territory of ^{the} Czechoslovak Peoples' Republic.

h) The uncertainties which result from the unsolved German question are disadvantageous also to long-range economic planning in the East. A definite settlement would wellnigh rule out German reunification and thus would have a quieting effect on the smaller East European countries.

i) In the course of time the neutralization of West Berlin would influence the composition of the political leadership of the Free City, because with a weakening of the Western position the strongly pro-Western forces would not continue to stay in West Berlin, and thus the "moderate" forces would be given a chance to determine the political line. In any case the atmosphere of a "political outpost" would be eliminated.

k) West Berlin's economic potential could be used to a greater degree for the economic development of the East Bloc countries. East Berlin, on the other hand, which until now

to a certain extent has been cut off from its hinterland by the necessary control-mechanism, could then be fully incorporated into the SZ. The SZ government could save many expenditures which at present arise from the precautionary measures against enemy activities in West Berlin.

1) A definite settlement would also render the churches in both parts of Germany and in West Berlin independent and thus end the clerical "agitation" against the East.

2) It is emphasized on the Soviet side that the desired Berlin solution in a broader sense would also be operative in East Berlin. If the previous official Soviet notes were concerned only with a solution for West Berlin, this was because Moscow was prepared to make only the question of West Berlin the object of negotiations and agreements with the Western powers. That so-called All-Berlin solution, however, which would necessitate a reunification of both parts of the city, was rejected with reference to the function of East Berlin as the capital of the SZ. If there should be a separate peace treaty, however, the principle of the separation of both regions of the city will indeed not be abandoned; but, at the same time, occupation rights would cease even in East Berlin and the Soviet Union would relinquish its military controls around the periphery of Berlin. Then the Soviet Union will no longer have a veto in the administration of East Berlin, of which it has occasionally made use even recently out of regard for its occupation rights. The deputies of the Berlin Peoples' Parliament will have complete voting rights and in the future will be elected directly in East Berlin. In addition, it is Moscow's intention to withdraw its troops entirely from East Berlin, which it would not be obliged to do in view of the continuation of its troop-stationing treaty with the SZ.

3) For the Western powers, a separate solution of the German question would have the following results:

a) With the conclusion of a peace treaty the interim solution for Berlin, which the Soviet Union has offered on the level of mutual agreements, would be dropped, unless the Western powers should previously indicate a readiness for the neutralization of West Berlin following a specified transitional period.

b) All of the Soviet Union's reserved rights pertaining to the lines of communication to and from West Berlin, including air sovereignty, would be turned over to the SZ government which, thus, could not be regarded as an "agent of the Soviet Union". Allied agreements on traffic to and from Berlin would become invalid after a certain time and would have to be replaced with bilateral agreements with the SZ.

c) All official political and military representatives of the Soviet Union in Germany, including the personnel of the Soviet Embassy, would be obliged to suspend their contacts with representatives of the three Western powers insofar as those contacts are connected with the occupation of Berlin and Germany.

d) All military commissions in both parts of Berlin and in both parts of Germany would be dissolved.

e) Soviet representatives in the Allied Office for Air Security would be withdrawn; all flights of the Western allies in the future would have to be announced to an agency of the SZ in East Berlin. Air traffic rights in and out of Berlin of the three Western airlines and of the "Western charter companies would cease completely for the future, inasmuch as the air traffic agreements for the Allies were designed originally only "for the needs of the occupation troops". The Western airlines could, of course, obtain a concession for continued air traffic to Berlin by mutual agreements with the SZ; but the concessions would have certain conditions, e.g., a prohibition on the transportation of refugees from West Berlin.

f) The transference to the SZ of traffic control over the military forces of the Western powers stationed in West Berlin would mean that the SZ would reserve the right to control or to hold up any shipment designated as "traffic of personnel or material", therefore including the shipment of weapons, because in the future the only ~~legal~~ valid legal regulations concerning these shipments would be the laws of the Soviet Zone. Moreover, one day, the question of special trains

and of special telephone lines for the Western Allies would also be corrected. Efforts will be made, of course, during the initial period not to place too many difficulties in the way of the traffic of the Western Allies.

g) Traffic for the supply of military personnel of the Western powers shall not continue according to previous practice. The Western Allies' communications to Berlin are based purely on a kind of common law, since there are no written agreements whatever between the four Allies concerning the communication lines to and from Berlin. In contrast to civilian traffic, the Western Allies for the future would be permitted to use only the Autobahn Berlin-Marionborn and the railroad Berlin-Helmstedt, or Oebisfelde, respectively.

h) Very close check would be kept to make certain that Allied trains were used actually only by allied personnel and only for the purpose of transporting supplies for this personnel to Berlin. The stipulation that German citizens and supplies for German agencies shall not be conveyed by allied trains or allied planes shall be a part of a later transportation agreement with the Western allies. This would prevent the possibility of the Federal Government's sending printed matter and other propaganda material to Berlin in this way and also would prevent allied trains from being used in part for transporting the mail.

i) Freedom of movement of the Western Allies would be restricted to the territory of West Berlin, and while visiting East Berlin would not be precluded, each case, however, would be made dependent upon special approval of SZ authorities. This approval shall be given, as it is for all West German and foreign visitors to East Berlin, directly at the sector border. All of these measures, the majority of which have been proposed by the SZ government, are agreed to by the Soviet Union, because it is convinced that to seal off East Berlin completely against West Berlin would be practically impossible and for reasons of propaganda not even desirable.

Protection for the stability of the SZ , which has been sought for years, can only be achieved, however, by a strict neutralization of West Berlin.

4. The following consideration concerning the Soviet plans for Berlin come to mind:

a) Soviet experts are convinced that all these measures can be carried out after the conclusion of a separate peace treaty without their having serious consequences for the Allies' Berlin guaranty, because all Western counter-measures are tied to the following suppositions:

- the threat to the freedom and political independence of West Berlin;
- the direct attack on West Berlin in the sense of an entry of Eastern troops and fighting units;
- an attempted communist putch in West Berlin aimed at the overthrow of the Senate;
- the denial of the right of domicile to the Western Allies in West Berlin;
- the obstruction of traffic routes to Berlin in the sense of a blockade.

b) Civilian traffic would continue undisturbed after the conclusion of a peace treaty, because this traffic always has been under the direct control of SZ authorities. Here, there would even be technical improvements as a result of the opening of supplementary traffic routes and by means of the simplification of procedures. Thus a situation could indeed arise in which West Berlin would be accessible to the entire world from without, while nevertheless there might be difficulties for the traffic of the Western Allies insofar as they opposed the new legal status.

c) All of the five above mentioned eventualities which could be occasions for NATO intervention, will not ensue, because the Soviet Union does not intend to create a cause for war in West Berlin. In the past two years, the Western Allies, from the very beginning, have committed themselves only to the minimal political demand for the support and independence

of West Berlin in the belief that the Soviets, as it is, would not be prepared to fulfill even this minimal demand. This does not take into account, however, that the Soviet Union, even though in principle it may have no interest in the political independence of West Berlin, in fact must have an objective interest in safe-guarding real independence for West Berlin, because any intention of destroying this independence would precipitate the use of force.

d) Soviet experts take the view that it is impossible to incorporate West Berlin into the SZ, even if the danger of the Western allies' intervention in support of the city's independence did not exist. Two million West Berliners, made citizens of the SZ, would constitute an explosive material which could shake the foundations of the SZ.

5. The Warsaw Pact countries, then, would be drawn into a Berlin conflict only if the Western powers ventured to use force to gain entry into West Berlin. In this single case of the forcible entry of the Western powers into the territory of the SZ, subsequent to the conclusion of a peace treaty, all the signatory powers of the Warsaw Pact stipulated in Moscow in April, 1961, that they would use all military means to come to the aid of the SZ, but initially would use only the threat of intervention.

6. The Soviet Union, after the conclusion of a separate peace treaty, would also be prepared to act as a diplomatic intermediary for an agreement with the SZ, but would not, however, go so far as to conduct direct negotiations with the Western allies without the participation of the SZ. Diplomatic recognition of the SZ by the Western allies should not be forced through an agreement on access routes, because diplomatic recognition is the sovereign act of a single government, and the establishment of diplomatic relations would be pointless if they were to result in smouldering hostility. Moreover, the Western powers should not be able to say that an agreement on routes to Berlin is being used as a form of diplomatic blackmail.

7. The Western powers cannot force the Soviet Union to continue to exercise occupation rights on German soil and to station troops in Berlin. In this question, the Western powers have no possibility of undertaking anything against Soviet measures. After the Soviet withdrawal from the field of occupation, the Western powers would no longer have a Soviet partner in Germany. Following the conclusion of a peace treaty, the Soviet Embassy could reject all Western notes and demands pertaining to the German question, just as would the government of the Soviet Union in Moscow. In this case, the Western powers would have no treaty partner for all the legal rights which they claim to possess, and they would also have no possibility of forcing the SZ government to step into the treaty role formerly held by the Soviet Union. If, nevertheless, the SZ government does not wish to make any discernible changes in certain areas, this can be attributed to a desire to avoid an intensification of the situation in Berlin. There would be no basis for any quarrel over the interpretation of previous four-power agreements, because all of these agreements including the Jessup-Malik Agreement on the lifting of the blockade, are valid only for the duration of the occupation in Germany.

1012 14th Street, Northwest
Washington 5, D. C.
June 26, 1961

Dear George:

Carleton recently asked me to send on any ideas which came to mind. I am noting a few Berlin thoughts which occurred in the last few days and send them on for what they may be worth. I suspect that for the most part these points have occurred to you.

It seems important to try to get a better feel for the FedRep determination. Will they, if necessary, be willing to eliminate trading with East Germany? If not, any U.S. expectation for Fed Rep endorsement of the use of force seems unrealistic. Is the Berlin issue sufficiently vital to the UK to lead them to join in some blockade operation to put the Soviets under counter duress? If not, ground force planning seems illusory.

I would think that a high degree of taciturnity on the part of the United States would give the Soviets more pause than a series of high-sounding statements - taciturnity and quiet preparations to retaliate with appropriate force.

If we have any residual levers that can be pulled in Eastern Europe we should have our hands close to them in the next six months.

Historically dictators have fabricated external threats to their nation in order to effect discipline at home. We need the domestic discipline - we don't have to fabricate the external threat, Berlin is it. Can't we use the Berlin crisis to leverage some of the domestic hardening which we all think is essential if we are to do better in the cold war?

Memories

Memories are short and it might be useful if we could get people around the world to talk a good deal about the Berlin Blockade of the late 40's. This was a criminal act in terms of international relations just as any repetition no matter what the form will also be a violation of international norms of conduct. Berlin 1961 or '62 will merely be a return to the scene of the crime of 1949.

We should keep in the back of our mind the frustrating effect of Cuba and Laos on the mentality of U.S. military leaders. Any application of force over Berlin must be a cool precise operation and not any "lash out" in anger.

One part of the Soviets' motivation in the Berlin issue may be to try to exercise their will over the Western Powers before Western European strength gets greater, especially its German component. If this is true there may be a real element of weakness in the Soviet move from apparent strength. If the Europeans could appreciate this possibility, the Berlin issue could become a source of unity and strength rather than of weakness. Perhaps a line of non-U.S. public information to this effect would be a useful part of preparations for the end of the year.

In any event, it may be useful to think more about how the Soviets could be made to pay a price for each Berlin crisis they stir up. They have pulled off twice and they may pull off again in 1961/62 but the West is probably losing ground with the passage of time. By losing ground I mean not so much in the sense of relative military power but in the sense of world fatigue with the continued raising of the Berlin issue.

More power to you.

Sincerely,

Gerard C. Smith

The Honorable
George C. McGhee
The Counselor
Department of State
Washington 25, D. C.

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GEM

SOVIET HANDLING OF THE BERLIN PROBLEM

The Problem

In November 1958 the USSR declared Western rights in Berlin null and void and demanded that the West negotiate a new "free city" status for West Berlin; otherwise the USSR would transfer all of its responsibilities regarding Berlin to the GDR and the West would have to deal with the latter on such matters. What explanations can be given for the Soviet failure to carry out this threat to date? What evidence is there to support these conclusions? And what can the West do to deter the USSR from unacceptable unilateral steps against Berlin in the future?

I. DETERRENTS TO UNILATERAL ACTION IN THE PAST

Conclusions

First, Moscow's elaborate efforts to set the stage for negotiations on Berlin and its willingness at times to await propitious circumstances for negotiations indicate that (quite apart from the question of risk) the Soviets have believed greater gains could be achieved through a negotiated four-power agreement than through forcing the West to accommodate itself to unilateral action. The Soviets have evidently believed this to be true even of relatively limited negotiated settlements, provided the door were left open for later communist initiative.

Second, the Soviets have been aware of the potential military risks involved in confronting the West with a fait accompli on the access routes to Berlin. While the Soviets have repeatedly stated and probably believed that the West would not wage general war over the supervision of Allied access, there probably has been enough doubt in their minds to arouse concern that the situation might get out of hand following the transfer of access controls.

Neither of these two major deterrents has been absolute. On the one hand, the Soviets have always had the option of attempting to force a negotiated four-power settlement by provoking a crisis (i.e., by proceeding to the brink of decisive unilateral action). On the other hand, the Soviets have probably seen a number of reasons for confidence in being able to avoid undue risks of general war -- local military superiority, a growing strategic deterrent, an ability to control the form of the overt challenge in such a way (e.g., document control by the GDR) as to weaken Western rationale for the use of force, the equivocal position of the UK. But, taken together, these deterring factors have evidently convinced the Soviets that it would be more profitable and prudent to explore fully the possibility of non-crisis negotiations before forcing a confrontation over Berlin.

SECRET

The record also suggests that, at the time he launched his Berlin demands, Khrushchev underestimated Western reluctance to negotiate a new status for West Berlin.

Third, the Soviets have evidently believed that a crisis approach to a Berlin "solution" might incur political liabilities for the USSR -- by galvanizing the West into a more unified, stronger overall posture and by undercutting the Soviet "peace" posture in the neutralist countries of Asia and Africa.

Finally, personalities and special circumstances have probably contributed to Soviet go-slow tactics.

Evidence

There is no particular document or Soviet statement which gives a direct and comprehensive explanation of why the USSR has not acted unilaterally on Berlin to date. We do not have, for example, any authoritative document or set of documents on this subject as those which have provided such an illuminating insight into the Sino-Soviet dispute. (The Berlin and German question is only discussed tangentially in the Sino-Soviet documents.)

An answer can be deduced, however, from the general manner in which the Soviets have handled the Berlin question over the past two and one-half years. From the record of negotiations, postponed deadlines, conversations, and speeches, we are able to identify certain characteristic features of Soviet behavior which are pertinent to the question.

Emphasis on Negotiations. At the time Khrushchev launched his Berlin demands in November 1958, he had three alternative approaches open to him.

First, after a pro forma nod in the direction of negotiations, the Soviets could have presented the Western allies with a fait accompli by transferring access controls to the East Germans. The aim would be to enhance the GDR's international status and gradually erode the West's position in Berlin by inducing or forcing the Western allies to deal with the East Germans on access problems.

Second, the Soviets could have sought to achieve a negotiated four-power agreement on Berlin by first provoking a crisis.

Finally, the Soviets could have sought an agreement through ostensibly amicable negotiations brought about by the threat of unilateral action, a threat exercised not so boldly as to jeopardize the possibility of non-crisis negotiations but boldly enough to bring the Western powers to the conference table.

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- 3 -

The USSR has followed this third approach throughout the entire period since November 1958. Only a month after Khrushchev announced the six-month deadline, the Soviets began to play down this ultimative feature of their Berlin demands when the December 16-18 NATO conference in effect signalled Western willingness to negotiate on Germany and Berlin so long as no ultimatum was attached. Once negotiations were underway in Geneva, Moscow allowed the May 27 deadline to pass without a murmur.

The second major Soviet step delaying action on its Berlin threat occurred in early August 1959 when Moscow in effect agreed to adjourn the Geneva conference in exchange for Khrushchev's visit to the US. This decision is explained in large part by Khrushchev's long-standing desire to visit the US. But it also evidenced -- paradoxically enough -- Moscow's desire to achieve an agreement on Berlin and the two Germanies through negotiations. The Geneva conference gave no sign of an early agreement on Soviet terms. Under the circumstances Khrushchev probably felt that he could afford to wait for another round of negotiations and probably was confident he could obtain agreement to such negotiations on more favorable terms -- namely, at the summit. In any event, this is how he acted.

During the remainder of 1959, the Soviets showed considerable patience in making final arrangements for a summit conference. They did very little by way of prodding the Western allies, and readily assented to the West's proposal (drawn up to meet De Gaulle's wishes) to meet in May, after Khrushchev's visit to France. Evidently Moscow felt that it was more important to be assured of negotiations under optimum conditions (or so a summit conference seemed to them at the time) than to attempt to force an early conference.

Once formal agreement was reached in December on holding the Paris conference, Moscow stepped up its warnings of the consequences of failure to reach agreement on Berlin and the two Germanies. This action was partly an effort to improve the Soviet bargaining position in advance of the conference, and partly a response to statements by the Western powers that they did not intend to yield on Berlin.

The most striking example of Soviet attachment to non-crisis negotiations as the preferred method of "solving" the Berlin problem occurred at the time of the Paris conference. While no Soviet deadline was operative at the time, Moscow sought to create the impression that no "progress" on Berlin at the conference would result in a separate treaty; and if ever there was no progress at an international conference, it was at Paris. Yet Khrushchev almost immediately signalled his intention to take no unilateral action on Berlin until negotiations could be arranged with the new US President, in "six to eight months." (Presumably in order to maintain the credibility of their threat, the Soviets stubbornly maintained that the Paris conference had never been convened.)

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Finally, in accompaniment to Moscow's efforts in recent months to set the stage for a new conference on Berlin and the two Germanies, there was a rather steady slippage of the Soviet-set schedule for negotiations and deadline for action. Following Paris, Khrushchev stated that summit negotiations must be held within six to eight months (i.e., November to January); on October 20, he publicly stated that the question of a German peace treaty "must apparently be settled in 1961." In private talks last fall with Prime Minister Macmillan and FRG Ambassador Kroll, he took the line that negotiations should be held in February/March or the spring of 1961; early this year East German leaders publicly called for a spring summit conference. Later, Khrushchev persisted in the line that a conference could not be delayed until after the West German elections (in September) or the Soviet Communist Party Congress (in October). Then in his April 24 talk with Kroll, Khrushchev hinted that a conference could be held after the Party Congress. He also indicated that the USSR would wait until early 1962 to sign a separate peace treaty, if no negotiations eventuate, in contrast to his previous insistence that something would have to be done by the end of 1961 (whether a separate treaty, an agreement, a conference, or an agreement to hold a conference has not been quite clear).

It should not be inferred from this hesitation on timing that Khrushchev does not intend to try to push the West into a negotiated solution on Berlin at an early date. This record does indicate, however, that Moscow would strongly prefer a negotiated "settlement" to one which might arise out of unilateral action and, being aware of the difficulty of bringing the West to the conference table on Berlin, has been careful to avoid launching a new conference drive prematurely. Indeed, the difficulty of conducting a campaign for ostensibly amicable high-level negotiations at a time when tensions were high over Laos and Cuba was probably a major reason for Khrushchev's vacillation on the matter over the past several months.

This predilection for negotiations indicates that the Soviets have believed greater gains could be had through a negotiated four-power settlement than through forcing the West to accommodate itself to unilateral action. Western agreement to change the status of West Berlin and voluntary recognition of the existence of two German states would quite obviously have more far-reaching implications than Western acceptance of GDR controllers on the check-points. The Soviets have evidently believed this to be true even of relatively limited negotiated settlements, provided they left the door open for some later communist initiative.

Khrushchev on Risks of War. Khrushchev's hesitation in pressing the Berlin issue to a crisis situation has also been importantly affected by his appreciation of the military risks involved, even though it is doubtful that his concern on this score has been sufficient, by itself, to deter him from unilateral action.

In speeches and private talks since November 1958, Khrushchev has consistently plugged the same line in discussing the use of force over Berlin. He has said over and over again that he was convinced the West would not go to war over Berlin; but that if the West attempted to defy GDR access controls by force, the USSR would meet force with force, in defense of its ally, the GDR.

While much of this has been stated for effect, Khrushchev has probably seen a number of reasons for confidence in being able to avoid undue risks of general war. First, the Soviet probably believe that they would have considerable leeway in playing their hand, even after the conclusion of a separate treaty. But even if a direct confrontation occurred, it goes without saying that the Soviets would be confident of their local military superiority in the face of a land probe by Western forces. In addition, the USSR's growing strategic deterrent, the sense of vulnerability this has generated in Western Europe, the UK's equivocal stance, and Soviet ability to control the form of the overt challenge in such a way (e.g., document control by the GDR) as to weaken Western rationale for the use of force have all been cited, and probably are accepted, by Khrushchev as reasons for believing that the West would not be prepared to run grave risks of general war over this issue.

Still, Khrushchev has communicated, in indirect fashion, a concern that unilateral action could produce a situation which might get out of hand -- through escalation, miscalculation, or over commitment -- and lead to a disastrous war no one wanted. This is evident in the gradual and "peaceful" manner in which the Soviets have posed their Berlin challenge, in Soviet maneuverings for negotiations, and in Khrushchev's acknowledgment that the West's prestige is heavily committed on the Berlin question.

This is also evident in Khrushchev's general philosophy regarding the use of war as an instrument of policy in the nuclear age. While vowing continued Soviet approval and support of "national liberation wars," Khrushchev has consistently maintained that not only general nuclear war but also local wars (i.e., wars overtly waged between states) should be avoided. A candid exposition of this view is found in the November 5, 1960 secret letter of the CPSU to the Chinese Communists which took issue with the Chinese view that such wars are both inevitable and desirable (when initiated by the communists). The following excerpts from a lengthy summary of this document give a good insight into Soviet thinking:

...usually wars are started first as small imperialist wars, and small wars may develop into a world war and hence into a thermonuclear, rocket war....Local wars are possible. We must fight against both local wars and world war....Theories of "limited" wars are groundless. We must not forget that World War II started as a "local" war, with scattered seats of danger. In our time, "limited wars" can develop into world-wide armed conflict. The Chinese comrades have a different conception. This conception is entirely dangerous to peace....

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We speak of imperialist local wars. Revolutionary wars of liberation by colonial peoples is an entirely different question. We hold such wars permissible and inevitable....

...Recall the statement by Mao Tse-tung: "the atomic bomb is a paper tiger which American reaction uses to intimidate people; it is frightening in appearance, but not frightening in all reality." Also at the Moscow meeting in 1957, Comrade Mao Tse-tung said that as a result of an atomic war "at most half of mankind would perish while the other half would remain. Yet imperialism would be wiped off the face of the earth and the whole world would be socialized."The idea of "socializing the world" by means of a bloody atomic war is worlds removed from the communist world outlook....Contemporary imperialism is not a "paper tiger." It has destructive weapons and a nuclear war would lead to the extermination of hundreds of millions of people, to untold destruction of productive forces.

To sum up, Khrushchev has no intention of provoking a war over Berlin, but believes that the USSR's local and strategic power can induce the West to yield positions peacefully, preferably through negotiations. He also believes that the West would not be prepared to wage a general war over Berlin, at least not in response to the type of challenge the Soviets would pose as a consequence of a separate peace treaty. Still, unilateral Soviet action could create a situation not fully predictable, in which a miscalculated move could involve the USSR in a disastrous nuclear war. It is probably this area of doubt that has contributed to Khrushchev's evident reluctance to conclude a separate treaty.

Peaceful Cloak for Berlin Demands. A major feature of Moscow's offensive on Berlin has been to depict the Soviet position in as peaceful and reasonable light as possible. The proposal to convert West Berlin into a "free city" has from the beginning been portrayed as a compromise, as all of Berlin is claimed as rightfully belonging to the GDR. The two Germanies peace treaty proposal, to which the Berlin scheme has been linked, is presented as a reasonable move designed to eliminate the remnants of World War II, ratify the "existing" situation in Central Europe, and do away with hot-beds of war (occupation of Berlin, West German demands for border revisions).

Moreover, the threat to unilaterally abrogate occupation rights in Berlin is consistently depicted as a peaceful act. This is one of the reasons why the Soviets altered their original "free city" proposal by linking it to a German peace treaty; a separate peace treaty would provide a cloak of legality for transferring controls over Allied access to

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the East Germans.^{1/} The Soviets continuously deny that there would be an attempt to blockade Berlin; they claim that all the Allies would be required to do in the event of a separate treaty would be to make arrangements with the sovereign GDR authorities on access to Berlin. Under these circumstances -- Khrushchev has frequently stressed in private talks -- the West would be cast in the role of aggressor if it attempted to circumvent GDR authority by use of force, and the USSR would then be compelled to defend the GDR against this aggression.

By taking this approach, the Soviets quite obviously have sought to strengthen their hand at the conference table and to make it more difficult for the West to oppose possible unilateral action regarding Berlin. But this "peaceful" approach also reflects an appreciation on Moscow's part of its vulnerabilities if it forcefully presses its Berlin demands; apart from the desire to limit the risks of war in such event, the Soviets probably have had some concern that an overly aggressive public posture on the Berlin issue could undercut their "peace" posture in the neutralist countries of Asia and Africa, counter their efforts (in the post Camp David period) toward a limited detente with the West, and galvanize the West into a stronger, more unified stance.

These have been additional arguments, from the Soviet viewpoint, for seeking a negotiated settlement. In fact, they epitomize Khrushchev's general foreign policy strategy which envisages two broad lines of Soviet advance: (1) "peaceful coexistence" with the West, based on Western acceptance of the status quo (Soviet style) in Eastern Europe, gains achieved through negotiations backed by Soviet pressure and strength, accommodation in certain other spheres of East-West relations, reduced pressures for high arms expenditures, and avoidance of nuclear war; and (2) expansion of Soviet influence in the underdeveloped areas, brought about by tactical collaboration with nationalist forces, broad economic ties and political cooperation where possible with neutralist governments, and exploitation of suitable opportunities for communist subversion.

Personalities and Special Circumstances. There is some evidence that Khrushchev regarded President Eisenhower and Prime Minister Macmillan as relatively "soft touches" at the conference table (relatively so in com-

1. In its notes of November 27, 1958 setting forth the "free city" proposal, Moscow claimed that the Allies' violation of the Potsdam Agreement had rendered their rights in Berlin null and void, and threatened transfer of access controls if "an adequate agreement" were not reached in six months. By March the following year, the Soviets had specifically reaffirmed the continuing validity of Allied rights in Berlin but claimed that a peace treaty with the two Germanies, or with one of them (i.e., the GDR) would nullify these rights.

parison with his chief advisors, in the case of the President, relatively so in comparison with other Western leaders, in the case of the Prime Minister). If Khrushchev was indeed of this opinion, this is one reason why he was willing to adjourn the Geneva conference and wait, rather patiently, for nine months until a summit conference was held.

There is no evidence to support the argument that Khrushchev has deliberately held off pressing his Berlin demands until the military power balance changed more in the favor of the USSR. As indicated above, we believe that has been due to Khrushchev's desire to choose a propitious time for negotiations, and to other factors. However, it seems safe to assume that the USSR's growing acquisition of a strategic strike force has done nothing to detract from Soviet decisions to act later rather than sooner.

A Khrushchev Miscalculation? While not a deterring factor in itself, it is worthwhile noting that at the time he launched his Berlin demands, Khrushchev probably underestimated somewhat Western unwillingness to negotiate a new status for West Berlin. This is indicated by the Soviet record on negotiations, discussed above. Also, on the occasion of several private talks, Khrushchev and other Soviet leaders seemed to express genuine surprise that the West did not accept "free city" status for West Berlin as the best way out of a difficult situation.

To the extent that this is true, and to the extent to which he has publicly committed himself in the bloc and elsewhere to "solving" the Berlin problem, it is correct to say that Khrushchev has overcommitted himself on the question.

II. POSSIBLE DETERRENTS TO UNILATERAL ACTION IN THE FUTURE

Before exploring this question, it is essential to assess briefly Soviet objectives and intentions.

Soviet Objectives

The record of the past 30 months, in particular the negotiations at the 1959 Geneva conference, gives clear evidence as to Moscow's major objective. It is, to consolidate communist rule in East Germany -- and, by extension, in all of Eastern Europe -- by: (1) containing and eventually eliminating the disruptive influence of a free, West Berlin; and/or (2) confirming the final division of Germany and enhancing the international status of the East German regime. This has been reflected in one way or another in all Soviet proposals -- Moscow's maximum proposal for a two Germanies peace treaty and, on this basis, a West Berlin "free city"; its fallback proposals for a separate "free city" agreement (June 1, 1959 protocol), for an "interim" Berlin agreement (June 10, June 19, and July 28, 1959, May 9, 1960), and for "interim" All-German talks (June 4, 1961).

In addition, the Soviets would hope for an agreement on Berlin and the two Germanies that would seriously weaken NATO by calling in question the West's determination to live up to its commitments. The Soviets probably regard this aim as a by-product, however, as they cannot be sure that, in pressing their demands, they would not strengthen NATO in the final analysis.

To date, the USSR has made no real effort to utilize its Berlin threat as a bargaining device for checking West German rearmament or for other objectives. Indeed, the Soviets from the very beginning have been careful to avoid accepting any link between disarmament and Berlin, obviously being aware of the possibility for almost endless procrastination in disarmament negotiations.

It is true that the USSR's draft peace treaty of January 10, 1959 would provide for the virtual neutralization and demilitarization of West Germany. However, it is extremely doubtful that the Soviets have ever regarded this draft -- in its present form -- as a serious negotiating proposal; the unilateral action which they threaten -- transfer of access controls to the East Germans -- would be far less onerous to the West than the provisions of the draft treaty (demilitarization of West Germany, acceptance of the "two Germanies" thesis, conversion of West Berlin into a "free city").

Intentions

There can be no doubt that a "solution" of the Berlin and German question is a primary objective of Soviet foreign policy and that this question will play a dominant role in Soviet diplomacy over the next six months.

In the first instance, the stakes are high, from the Soviet view as well as ours. The consolidation of the "status quo" in Eastern Europe -- perhaps the primary overall Soviet policy objective -- can never be fully assured until the East German regime is established as a viable and accepted international entity. And communist rule in East Germany cannot be fully consolidated until there is an end to hopes for unification, until the West recognizes the sovereignty and territorial integrity of the "second" German state in the East, and until the disruptive influence of West Berlin is at least neutralized.

Secondly, Khrushchev probably feels that he has a strong bargaining position, despite his probable recognition that he initially overestimated the ease of his task.

Finally, the USSR and Khrushchev personally are heavily committed to some early "progress" on this question.

These basic considerations should, however, be viewed in perspective. We have seen above that the Soviets have repeatedly ignored their dead-line, once they receive some satisfaction on holding negotiations; while the Soviets are no closer to their goals in East Germany and Eastern Europe than they were in 1958, their situation there is not materially more pressing now than it was then. A second point to bear in mind is Moscow's gradual, step-by-step approach to a final "solution" of the "problems" of West Berlin and the two Germanies. We still believe this to be true, despite the preemptory line of the USSR's June 4 aide memoire which in proposing an interim agreement offers the West nothing more than an agreement to conclude a two Germanies peace treaty in six months thereafter. It is well to recall that this is an initial negotiating position, one that is much softer than the initial Soviet position at the 1959 conference and of about the same degree of toughness -- on balance -- as the May 9, 1960 proposal tabled before the Paris conference. Also, the thrust of East German pronouncements over the past several months has been to disabuse the SED party faithful of hopes for a quick, decisive solution of the Berlin and German problems.

The immediate Soviet aim is to get an early Western commitment to hold negotiations on a two Germanies treaty and Berlin. At the moment, the USSR is striving for this objective not by an open diplomatic campaign for renewed negotiations but by attempting to create the presumption that a separate treaty is inevitable by the end of the year -- unless the West negotiates. By this tactic -- somewhat similar to that of 1958-59 -- Moscow evidently hopes to put the West in the role of supplicant and thus strengthen the Soviet bargaining position.

If negotiations eventuate, the Soviets would probably first table for the record their maximum demand -- a two Germanies peace treaty and, on this basis, conversion of West Berlin into a "free city." This would not be a serious negotiating position, however, for the reasons stated above. The Soviets would, therefore, quickly proceed to one or several "fallback" proposals. The most likely candidates are the following, all of which are on record:^{1/}

(1) An agreement on a West Berlin "free city" separate from any peace treaty considerations (June 1, 1959 protocol);

(2) An "interim" agreement on West Berlin, coupled with all-German talks (memoranda of May 9, 1960 and July 28, 1959);

1. Other possibilities would include a new, truncated version of the two Germanies peace treaty proposal. The Soviets have hinted at a peace treaty limited to provisions for (1) ending the state of war, (2) recognizing existing German borders (and states), and (3) establishing a new status for West Berlin. They might even limit the treaty draft to the first two provisions, with the proviso that the status of West Berlin would be unchanged for a stipulated period of time pending agreement on a new status.

(3) An "interim" agreement providing for all-German talks (memorandum of June 4, 1961).

The Soviets would regard any or all of these fallbacks as initial positions subject to negotiation and further modification.

Western Moves to Deter Unilateral Soviet Action

Before discussing these moves, it is necessary to stress that there are several types of unilateral bloc actions which we might choose to regard as unacceptable and hence select as that which we sought to forestall. Such action might be defined as the mere conclusion of a separate treaty and unilateral declaration of the abrogation of occupation rights in Berlin, or the transfer to the GDR of jurisdictional controls over Allied access to Berlin, or the physical obstruction of Allied (or West German) traffic to Berlin. The existence of these several possibilities necessarily places this discussion on a fairly general plane.

There are, broadly speaking, three courses of action open to the West. These are considered here strictly from the point of view of likely Soviet reaction, without regard to their acceptability as policies.

A. Negotiation of New Status for Berlin. The Soviets almost certainly would not accept a "free city" arrangement or some other new, contractual status for all Berlin (unless the agreement provided for virtual GDR control of the city, or, as part of a package deal, some other concession highly favorable to the communists and most likely unacceptable to the West). The Soviets have consistently rejected such proposals when suggested in the past. Such an agreement with proper safeguards would run counter to the Soviet's major objective -- consolidating the GDR regime -- in raising the Berlin issue.

If the West were willing to negotiate a new status for West Berlin replacing occupation rights there, the Soviets would be willing -- as they have frequently stated -- to consider some modifications in their standing proposal for a separate agreement on a West Berlin "free city." For example, they might agree to a more precise UN "guarantee." However, they would be unlikely under present circumstances to agree to provisions which denied GDR authority over access routes, which prevented the GDR from checking the flow of refugees to the FRG through West Berlin (the communists include this process among the "activities" constituting interference in the GDR), or which tied the communists' hands in putting the squeeze on the "free city" administration at some later date.

In initially implementing a free city agreement on West Berlin of the sort likely to be acceptable to the Soviets, the GDR would probably (1) insist on complete control over all access routes, including air routes;

(2) attempt to utilize this control to engage the West in de facto dealings and to prevent the movement of refugees to the FRG through West Berlin (they are now flown out), intending in this fashion to solve largely the refugee problem; (3) insist on the severance of quasi juridical ties between the FRG and West Berlin and the abolition of West Berlin political organizations hostile to the GDR; and (4), of course, the abolition of Allied installations (except for "symbolic" troop contingents). Otherwise, the communists would probably be quite "correct" at first in living up to the terms of an independent and neutral West Berlin. It would only be a matter of time, however, before the GDR and the USSR attempted to bring stronger pressures to bear on the internal politics of the free city on the pretext that these politics constituted interference in the internal affairs of the GDR.

While hailing the free city agreement as a step paving the way toward "normalizing" East-West relations, the USSR would simultaneously cite the agreement as evidence that the shift in the balance of power in the bloc's favor was compelling the West to yield positions without a struggle. Indeed, in the context of the West's position on Berlin over the past 30 months, the Soviets would almost certainly believe this analysis and might well be encouraged, accordingly, to embark on new ventures.

The Soviets have never given any indication of what they would do in regard to a peace treaty if a separate agreement were reached on establishing a West Berlin "free city." In all likelihood, they would proceed, after a time, to sign a unilateral treaty with the GDR, hoping thereby to establish a firmer juridical basis for their claims regarding the division of Germany into two states and the permanence of present borders. Under these circumstances, a separate treaty would have no practical effect insofar as Berlin was concerned.

B. Negotiation of Interim Agreement on Berlin or Peace Treaty. The Soviet interest in a limited or "interim" agreement of one sort or another is a matter of record. We do not believe the Soviets would accept a limited agreement which would preclude their taking further action on the Berlin and two Germanies questions; in other words, they would reject an agreement on which would confirm Berlin's present status for an indefinite period of time (e.g., until reunification) or would undercut the two Germanies thesis (e.g., would affirm the West's position that a peace treaty can only be signed with a unified Germany);

However, the Soviets demonstrated at the Geneva conference that they would accept an "interim" agreement which left open the question of what would happen after the period of the agreement lapsed. (Their intention was still, however, to create the impression that further steps should follow.) Moreover, there already have been some indications that the USSR would accept less -- perhaps considerably so -- in the way of an interim agreement than their last position at the Geneva conference. Toward the end of the conference, Gromyko indicated that the USSR would drop the provision for all-German talks in exchange for the West's agreement to a troop

reduction in West Berlin. At the abortive Paris conference, the Soviets tabled, as an initial proposal, an interim agreement rather than their maximum peace treaty plan, which was their initial proposal at Geneva. The same is true of the June 4 memorandum. In addition, the Soviets' gradual approach over the past two years indicates less confidence in their position than prior to the Geneva conference.

This evidence and Moscow's obvious preference for negotiated agreements indicates that the Soviets might be willing in the final analysis to settle for a limited agreement of relatively little substantive significance, provided that prior Western actions had convinced them that unilateral action would incur such political liabilities and military risks that it was not worth the candle. The West would have to weigh the disadvantage of a possible renewal of Soviet pressures at a later date against the more immediate risks it might run if the Soviets concluded a separate treaty. But if it is true that Khrushchev believes that he has overcommitted himself -- and this belief would certainly be enhanced by the stipulated Western actions -- then he might be satisfied with an agreement which he could cite as "progress" but which would not be overly prejudicial to Western interests.

C. Limitation of Separate Treaty Consequences. Under this course of action, the West would be prepared to face the consequences of a separate peace treaty (presumably concluded by the bloc after unsuccessful negotiations had taken place) but would attempt to keep communist implementation of the treaty within acceptable limits by impressing the USSR that obstruction of Berlin traffic would bring it high risks and liabilities.

The communists would have a wide range of choices in deciding how to implement a separate treaty. Their stated position, and most likely initial course, is that there would be no blockade of traffic to Berlin (no simultaneous obstruction of West German traffic) but that the three Western allies would have to negotiate arrangements with the East Germans governing the passage of Allied land and air traffic through GDR checkpoints. (For the Allies, this would mean about the same degree of de facto dealings with the GDR regime as are presently conducted by the FRG, but, in the case of GDR control of air traffic, would also mean a check on the flow of refugees from West Berlin to the FRG.) However, at one extreme, the GDR might merely insist on "controlling" Allied travel documents on surface routes; or the Soviets might even defer for a set period the transfer of access controls by including, in the separate treaty, a proviso along the lines of the Bolz-Zorin agreement. At the other extreme, the communists might maintain that the continued presence of Allied forces in West Berlin was illegal and use this argument to attempt to impose a full blockade until a new status for West Berlin could be negotiated.

Quite clearly, the extent to which the communists would attempt to extort concessions from the West by manipulating the question of access controls would depend on their estimate of the political and military risks involved. Given their likely initial demands, it seems possible that

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the West could keep this extortion within tolerable limits, provided that the Allies were prepared to engage in de facto dealings with the GDR and provided that Western actions persuaded the communists of the inadvisability of proceeding too far.

This course of action, like the others, would have drawbacks. With the passage of time there would inevitably be slippage in the Western position regarding the limit on dealings with the East Germans; we would have to be prepared to go farther than we do now in de facto acknowledgement of the GDR state. We also would have to be prepared to face a serious crisis if there was miscalculation of the political intentions of either side. But it is entirely possible that the West would have to pay a smaller price in this instance than under the terms of any four-power agreement the Soviets are likely to accept. This hypothesis can only be tested in the course of future negotiations.

What Can Be Done

Courses "B" and "C" are not mutually exclusive. One is, in a sense, a fallback position to the other. And both would require the same Western actions designed to persuade the Soviets that to proceed too far would be to their disadvantage.

Military Risks. There obviously is a wide range of possible actions in the military field which we might undertake in attempting to deter unilateral Soviet action. This paper is not the appropriate vehicle for examining in detail the likely effect of these various possibilities. We therefore limit ourselves to setting forth certain general criteria which are likely to enhance the credibility of preparedness moves and statements.

First, mere declarations of intent to run high military risks in support of Allied rights in Berlin would not be enough. Some preparatory actions would have to be taken to lend substance to these words and, to be effective, would have to be taken prior to the time negotiations took place, or, as the case may be, prior to the turnover of access controls. However, the scale of these preparatory moves would have to be properly timed in keeping with prevailing circumstances. In particular, prematurely large-scale overt moves taken prior to negotiations could produce adverse results by circumscribing Soviet maneuverability in negotiations and by producing disunity among the Western powers (which in turn might lead the Soviets to believe they really had less to fear in the way of a strong and united Western response). They would also tend to undercut the political deterrents we would hope to maximize.

Second, in attempting to convince the Soviets of the military risks involved in pressing their Berlin demands, we should avoid taking a position that is so rigid that it is unconvincing, or so unrealistic it might have to be abandoned. For example, it is highly doubtful the USSR

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will ever be convinced that the West would wage war over the issue of GDR examination of travel documents, or mere conclusion of a separate treaty. Our threats to resort to force if necessary, in order to maintain our rights should, as a rule, be kept general. When it is desirable to be specific, these threats should be related to an appropriately direct challenge by the other side.

Third, Allied disunity will undermine the effectiveness of almost any Western statements or actions designed to deter the Soviets through raising fears of war; indeed, disunity would be an added incentive for the Soviets to press harder. For this reason alone, it would seem highly desirable to achieve a concerted Western position at an early date, even if this meant an accommodation to UK and French views on contingency planning.

Political Liabilities. In private conversations and (as appropriate) in public statements and actions, we should impress upon the Soviets that, regardless of the risks of war involved, pressure on Berlin will inevitably raise cold war tensions, lead to greatly increased defense expenditures in the West, tighten the NATO alliance, and might cause us to reexamine our policies regarding the dissemination of nuclear weapons to our allies. We might also take the line (in private talks only) that heretofore we have been relatively restrained in regard to the USSR's difficulties in Eastern Europe, but that we may have to reexamine this policy in the light of Berlin developments.

It is doubtful the Soviet leaders would see their interests served by provoking a crisis over Berlin if they believed that the crisis would be prolonged with the consequences outlined above and were not sure of obtaining a clear-cut gain on the Berlin and German questions. The consequences would run counter to several important Soviet foreign policy aims and would produce new strains in the Soviet economy by forcing it to meet the challenge of a stepped-up arms race. Of course it would be difficult to convince the Soviets a crisis over Berlin would necessarily have these consequences, but we could raise enough concern in their minds to have a measurable effect on their actions.

Equally important, we should attempt to maximize in advance the political costs of forceful action on Berlin and Germany to the Soviet position in the new countries of Asia and Africa. Recognizing the virtual inevitability of new negotiations and recognizing the emotional appeal of national self-determination in the new countries, it might be advisable for the West to take the initiative in proposing new negotiations, emphasizing the positive goal of self-determination and the West's willingness to make all reasonable efforts to meet the aspirations of the German people for unification. In particular, we might consider (a) drawing up and publicizing before negotiations a new peace plan which would be much simpler, more flexible and artful in its propaganda appeal; (b) drawing up and publicizing before hand a new first-step proposal for unifying all Berlin; (c) a propaganda campaign showing that the Soviet two Germanies position is designed

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to divide further East and West and prevent self-determination in Germany; (d) assiduous circularizing of all of the above views and proposals in the new countries; (e) seeking UN affirmation of the goal of German unity and endorsement of a referendum in all Germany and all Berlin on this issue.

Other than agreeing to negotiate, it is highly unlikely that Moscow would accept these proposals. However, a pre-negotiations diplomatic campaign along these lines would enable the West to profit politically from its main asset in Germany, namely, the German people's opposition to communism, which compels the communists to take a stand against the popular concepts of national unity and self-determination.

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Beleagured Bastion—VII

By Hans J. Morgenthau

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PREMIER KHRUSHCHEV did not raise the issue of Berlin in November, 1958, and again in June, 1961, for purposes of propaganda or to meet demands from China or from within the Kremlin. He raised it as a means to the ends of Soviet policy.

As concerns Germany, the Soviet Union pursues three ends: the removal of Berlin as a provocative reminder of Communist weakness, the separation of West Germany from the Western camp and the stabilization of the territorial status quo.

The main objective of Soviet foreign policy in Europe since World War II has been the stabilization of the western frontiers of the Soviet empire. Stalin conceived of the postwar world as two gigantic spheres of influence controlled by the Soviet Union and the United States, respectively. He viewed the 1945 line of military demarcation which divides Germany as the definitive boundary line between the two spheres.

Stalin made numerous proposals to that effect, both directly and through neutral and satellite diplomats. The United States has consistently refused even to consider such proposals. It has always maintained the provisional character both of the line of military demarcation between East and West and of the eastern boundary of Germany in the form of the Oder-Neisse Line. It has been committed to the unification of Germany, which, if achieved on Western terms, would necessarily move the western frontiers of the Soviet empire farther east, at least to the Oder-Neisse Line if not beyond.

Berlin the Symbol

PARADOXICAL as it may seem, Khrushchev has called into question the status quo of Berlin because he seeks the stabilization of the territorial status quo of Europe, and the United States is committed to the defense of the status quo of Berlin because it refuses to acknowledge the territorial status quo of Europe as definitive.

The German issue finds its symbolic manifestation in the issue of Berlin, and by raising the latter, Khrushchev has by implication raised the former. The Western presence in Berlin—the former capital of a once-united Germany and the potential capital of a reunited Germany—symbolizes the provisional character of the division of Germany. The abandonment of Berlin by the West would symbolize the definitive character of that division.

By raising the issue of Berlin in an acute and threatening form, Khrushchev tries to force the West to recognize what it has refused to recognize for 16 years, i. e., the definitive character of the division of Europe. The issue Khrushchev has raised is, then, the fundamental issue of who shall rule what and whether what is ruled by the Soviet Union now shall be ruled by it in perpetuity, its rule being recognized as legitimate by the West.

This is the issue from which the cold war arose and which has divided the United States and the Soviet Union ever since. It is the stuff of which hot wars are made as well.

The Recognition Route

IT IS IN ACCORD with his long-term purpose of stabilizing the territorial status quo that Khrushchev has not raised the Berlin issue directly but, as it were, as a byproduct of recognition of the East German government. It is true that he has told the Western powers, as Stalin did in the form of the Berlin blockade, "Get out!" But how does he propose to get them out?

He plans to do it by replacing the occupation statute upon which the Western presence in Berlin rests with a peace treaty with the East German government. Thus he can tell the Western powers, "Whatever rights you are going to have in Berlin you must negotiate with the East German government, to which we are transferring our control over the access to Berlin."

Khrushchev is a much more subtle and ingenious adversary than Stalin was. He tries to make it appear that what is at stake is not the freedom of West Berlin and the freedom of Western access to it but only a change in the legal title which would leave the substance of the present rights intact. In truth, of course, the freedom of West Berlin—an island in a Red sea—and of the Western access to it derives not from a legal document but from the Western military presence in West Berlin.

West Berlin has remained free because an attack upon its freedom would be tantamount to an attack upon the Western military establishment in West Berlin, and the Western powers have been able to supply their troops in West Berlin because interference with these supplies would in the long run be impossible without a direct military confrontation. The Soviet Union has been anxious to avoid such a direct military confrontation in Germany and elsewhere and has sought its objectives rather by indirection, especially through the interposition of proxies. The attempt to interpose the East German government between the Soviet Union and the West is a typical example of that technique.

His Achilles Heel

YET THE APPLICATION of that technique to Germany tends to jeopardize the main goal of Soviet policy: the stabilization of the territorial status quo, especially in the face of West German rearmament. For it raises an issue of the utmost gravity for all concerned: the possibility of a German civil war. Here is, indeed, the Achilles heel of Khrushchev's German policy.

Khrushchev appears to be genuinely afraid of a West German army, equipped with nuclear weapons, as the instrument of a West German policy which would recognize neither the existence of the East German government nor the legitimacy of the Oder-Neisse Line. For this reason, he wants to bring the issue of the territorial status quo in Europe to a head before the West German army is equipped with nuclear weapons.

On the other hand, when it comes to the preservation of peace, he trusts the East Germans no more than he does the West Germans, and while he may feel for Chancellor Adenauer a grudging admiration, he can hardly feel for his hapless East German stooges anything else but that contempt to which Stalin used to give vent in unguarded moments.

He cannot but loathe the idea of seeing two German governments, each ineffectually controlled by its respective allies, oppose each other over undefined frontiers. It is this specter which has made him hesitate to bring the Berlin issue to a head ever since he raised it first in a seemingly peremptory form in November, 1958.

Khrushchev, then, is faced with a dilemma: he seeks the stabilization of

the territorial status quo in Europe, for he fears the threat to peace stemming from instability in the heart of Europe. Yet the means he has chosen to achieve his end threaten to create an instability much greater and less controllable than the one he tries to remove. This dilemma provides the Western powers with an opportunity for constructive statesmanship. However, they are handicapped by a dilemma of their own.

An Unnegotiable Right

THE WESTERN position must rest upon a threefold foundation: The Western right to be in Berlin is not subject to negotiations; the territorial status quo in Europe is not subject to change for the foreseeable future; a shift of West German allegiance from the West to the East is not compatible with Western security.

The Western right to be in Berlin cannot be subject to negotiations be-

cause the very willingness to negotiate about it implies a denial of that right. If your neighbor tells you to get out of your house and you reply, "Let's negotiate about it," your very willingness to negotiate implies that you are not quite sure that you have a right to be where you are. You cannot insist upon your right and make it the subject of debate at the same time.

Yet while the substance of the Western right to be in Berlin is not negotiable, the modalities of that presence indeed are. Since the Western presence in Berlin has been primarily symbolic to begin with, it is susceptible to manipulation as long as its symbolic character remains intact.

That the territorial status quo in Europe cannot be changed in the foreseeable future, that for the time being Germany will remain divided and the Oder-Neisse Line will remain its eastern frontier is admitted by all

concerned in the privacy of their offices and is loudly proclaimed by Khrushchev. "We proceed from the premise," he said in his June 15 television speech, "that the peace treaty with Germany will put a seal on what has already been established by the Potsdam Agreement. Indeed, the governments of the Western powers obviously understand, too, how senseless it would be to raise now the question of revising Germany's boundaries. Their representatives have often told us about this during our conversations. A simple operation, it seems—to put a seal on what already exists."

It is at this point that the Western dilemma comes into play.

Khrushchev can afford to say bluntly what the statesmen of the West, those of Germany included, can only whisper among themselves because, with regard to the German question, the Soviet

Union holds an enormous advantage over the West. The Soviet Union has it in its power to unify Germany and move the frontiers of Germany eastward whenever it wishes. It only needs to withdraw its support from the East German government and divide Poland again with Germany for the fifth time in two centuries.

What the Soviet Union would ask of a united and restored Germany in return would not necessarily be its communization, but as a minimum the transfer of its support from the West to the East.

West Germany has joined the Western camp because it mistrusts the ultimate objectives of the Soviet Union and has confidence in the aims and power of the West. If the West were to speak of

the frontiers of Germany as Khrushchev has spoken, West Germany would have nothing to choose between East and West in terms of verbal commitments, and in terms of the ability to give West Germany what it wants, the advantage would remain with the Soviet Union.

West Germany would then be tempted to strike a bargain with the Soviet Union and Khrushchev has indeed voiced the expectation that sooner or later this will happen. Thus it is for the sake of the very same prize—the allegiance of West Germany—that Khrushchev wants the West to recognize the territorial status quo in Europe and that the West cannot accede to that demand.

WHAT, THEN, can the West do? It can do essentially three things.

First, it can try to nego-

tiate over the modalities of its presence in West Berlin with whoever effectively controls the lines of communications. Its aim must be the preservation of the symbolic significance of that presence while not insisting upon its more provocative aspects.

Second, it can try to exploit Khrushchev's dilemma. Mindful of the fact that President de Gaulle has come out in favor of the recognition of the Oder-Neisse Line as the permanent eastern frontier of Germany, it can try to contribute to the stabilization of the territorial status quo in Europe without increasing the danger of a German civil war.

Finally, in doing this, the West must try to avoid being caught in its own dilemma. Whatever it contributes to the stabilization of the territorial status quo must be

compatible with its verbal commitment to the unification of Germany. It must somehow manage to bridge the gap between what it has so often declared it will do in Germany and what it can do.

IT IS OBVIOUS that these tasks are enormously difficult to achieve and require for their achievement qualities of statesmanship, both daring and wise, which are harder to come by and less certain of popularity in the short run than that verbal bravery which the crowd is ever ready to applaud. However, if those qualities are not forthcoming, the West will be faced with two equally unacceptable choices: retreat, or fight a war on behalf of the freedom of West Berlin which will destroy West Berlin and its freedom as well.

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DEPARTMENT OF STATE

Bureau of Intelligence and Research

June 29, 1961

MEMORANDUM: The Berlin Crisis, US Military Expenditures, and Soviet Allocation Problems

With the onset of a new phase of the Berlin crisis the US has tried to delineate fields of possible US and other Western action which might induce an additional degree of caution on the part of the Soviets in their approach to the problem of Berlin. One of these fields is the possible influence of US military expenditures on the Soviet leaders.

An initial distinction should be made between 1) US and other Allied moves designed to increase the West's readiness status directly relevant to possible hostilities growing out of this phase of the Berlin crisis and 2) increased US and other Western efforts in the defense field which, though begun at this time, would not affect actual military capabilities until some time in the future well beyond the immediately critical period.

Regarding the second, longer-range build-up, it is our conviction, as will be explained below, that the Soviet leaders would have to pay attention to any such significant shifts of effort on the part of the US or its Allies, and even to credible possibilities of such shifts, and would have to do so from the outset of the program. This belief rests on two general considerations: first, as with all totalitarian economies, the Soviet allocations situation is habitually tight; secondly, in their defense planning and production, the Soviet leaders too must reckon with the problem of lead-time.

Underlying the possible influence of US and other Western action in this field is, further, the fact that US Gross National Product is more than twice that of the Soviet Union, and the economies of the United States and the other NATO powers taken together are close to three times those of the USSR and its European satellites. A number of

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these Western economies, moreover, have significant slack, thus differing sharply from the tight economy of the USSR.

Again, if we look at the United States alone, and take account for the moment solely of economic considerations, it is relevant that when the United States produces at an annual rate of 510 billion dollars, as things are today its Gross National Product is actually running some 40 billion dollars below "normalcy" -- normalcy being defined as a condition in which only 4 percent of the labor force is unemployed. Under these circumstances, just by returning to "full" employment and without imposing any unusual controls, the US would have the economic power to build up its military and scientific spending over present levels within three years by an annual volume of 25 billion dollars. Such an increment to US defense efforts would represent more than 10 percent of the Soviet Gross National Product, almost twice as much as the Soviet GNP grows in a year, between one-fourth and one-third of all Soviet investment, and about two-thirds of Soviet overt and covert defense expenditures.

The imposition of governmental controls on the US economy would, of course, permit substantially greater defense efforts even than those we have mentioned.

Evidently, were it feasible and advisable to do so, bringing this weight to bear on the USSR would pose critical problems for the Soviet leaders, even granted their ability to mobilize their populations.

Smaller increases in US defense expenditures would also pose serious problems for the Soviet leaders. If the United States increased its annual defense expenditures, for example, by 5 billion dollars and the Soviet regime were to feel that it had to match this allocation by a corresponding over-all increase (i.e. in the same mix as at present) in its defense efforts, the USSR would have to increase its national security budget by close to 1.9 billion (new) rubles. This would represent one-third of current Soviet investments in agriculture or in housing, more than two-thirds of Soviet investments

in transportation and communications, and roughly one-half of all present Soviet outlays for military and other research.

It would, of course, be theoretically possible for the United States to increase its military spending so meaninglessly that the Soviet leaders would be under no compulsion to respond in any way. Conversely, it would also be theoretically possible for the United States to choose the field in which it made its military efforts in a way which would force the Soviet leaders to respond in a way significantly more costly to them than the original efforts had been to the United States.

We do not here pretend to the judgment necessary in the military field to define in any precise way what would be meaningful. Even without such expertise, however, we suggest that significant increases in the US long-range, ground-based missile force, in the submarine-based missile force, and in protection of the strategic strike force, would exert compulsion on the Soviet leaders either to increase their own military efforts or to try to induce us to reduce our efforts. Similar results would flow, we believe, from increases in our ground forces and conventional capabilities.

This conclusion rests on more than a comparison of gross statistics. There are specific tight spots in the Soviet economy that would be affected. For example, additional Soviet military construction activity would be required, and the USSR would have to draw on the same assets that are needed both for plant construction (and thus investment in industry) and for housing construction (where Soviet needs are still immense and where reasonably rapid progress lies very close to the heart of the Soviet people's demands for a better life).

Machinery is another serious tight spot for the Soviets. Even at its present level of defense efforts the USSR has trouble in replacing its obsolescent industrial machinery and in making even preliminary progress toward automation at a rate sufficient to insure satisfactory increases in productivity. The day has passed when Soviet leaders could

obtain increases in productivity merely by taking more out of the hides of Soviet workers. The leaders must now take account of the limited but significant political evolution which the USSR has undergone in recent years and, perhaps even more importantly, of the increased complexity of the Soviet economy -- while more Sweat alone would no doubt be helpful, this by itself is far from all that is needed.

Increases in US local and conventional forces would heighten the evident conflict between the Soviet manpower shortage and the demands of the Soviet defense establishment. This conflict has already produced vacillation on the part of the Soviet leaders as to whether or not to go through with the 2.1 million reduction in the Soviet force levels which Khrushchev announced on January 14, 1960. There may well at present be obstacles to the United States making increases in its defense expenditures of anywhere near the magnitude indicated as an upper range on the scale of possibilities discussed above. But even the military provisions of the President's Second State of the Union Message would have some of the effects described. There is no doubt that the Soviet leaders would relate any such increases in defense expenditures over the original estimates directly to the development of the Berlin crisis. While these increased expenditures might or might not require corresponding Soviet action, they would be considered to demonstrate the Administration's ability to make shifts and the population's willingness to accept them even at this stage of the crisis. It is difficult to see how the Soviet leaders could escape the conclusion that the US Administration and the US people might travel further down the same road if driven to do so by the Soviet handling of the Berlin affair.

Indeed, we believe that a concrete start in increasing our defense and scientific efforts in the measure represented by the Second State of the Union Message, if actually carried over into national policy, would have far more effect than mere talk or verbal threats of greater shifts. Talk there has been aplenty about Berlin, and

more talk per se might well be ignored by the Soviet leaders. The message implicit in a limited but actual move which bore the potential of further programs would, however, be clear. If at the same time the Soviet leaders were confronted with a general US approach which faced them with the need to take a series of further initiatives against the Western position on Berlin, they would probably visualize a progressively deepening crisis atmosphere in which the US would be likely to make further significant budgetary shifts and its European allies might quite possibly make some shifts in the same direction.

A relatively modest beginning, moreover, of this sort would avoid two dangers which might be involved in a more ambitious approach. It would avoid that open and direct challenge to the Soviet leaders which might increase the political compulsion upon them to persist in their announced determination to get the West to abandon its rights in Berlin. Secondly, a modest beginning would keep us free of charges that we had been the ones to step up the arms race and thus, according to some people's way of thinking, increase the danger of general war.

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DEPARTMENT OF STATE
Bureau of Intelligence and Research

June 30, 1961

MEMORANDUM: Airlift and the Berlin Crisis

Introduction

This paper attempts, in response to a request from S/P, to illustrate factors connected with the possible use by the Allied powers of an airlift initiated at an early stage in a crisis over Berlin. It brings together political, military, economic and logistic problems integrally in an effort to put technical considerations regarding airlift and regarding the supplying of West Berlin in their broader perspective. The paper takes as its point of departure the signature by the Bloc of a separate peace treaty with East Germany and the turn-over to East Germany by the Soviets of access controls. From this point it attempts to develop in sequence Allied actions and probable Bloc counteraction, or vice versa. In so doing, the paper considers both Bloc and Allied actions which lie outside the strict purview of the Berlin question per se but are relevant to it.

It is, of course, possible that two or more of the stages of action that we have outlined for the Bloc might be combined. We have strung out all the logical steps in sequence, however, because we believe 1) that the Bloc is much more likely than not to follow such a gradual approach and 2) that the isolation of each step may be of relevance to the planner in deciding on appropriate countermeasures to be taken at each stage. If the Bloc were to combine two or more steps, we could, of course, do the same. If, on the other hand, we had visualized only the possibility of one or two massive steps on the part of the Bloc and had planned our countermeasures accordingly, and if instead the Bloc proceeded gradually, we might be left with

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plans inappropriate to the circumstances that actually obtained.

It should be said at the outset that our conclusions regarding the utility of an airlift -- we think it has many advantages -- are radically different from those of certain earlier studies of the subject. The principal arguments that have been advanced against an airlift are: 1) that even temporary failure to exercise our rights of ground access would undermine the morale of the Berliners, 2) that it would constitute an inappropriately weak response to the challenge that had been posed, and 3) that the use of even passive means of interference by the Bloc could prevent our airlift from performing its ultimate or maximum mission, which would be to supply the needs of all West Berlin. The first two points are, we believe, dealt with adequately in the course of our discussion. The third requires some special attention here.

The mission of supplying the needs of all West Berlin is one which the airlift would almost certainly not have to perform at an early stage of its operation. To force this mission on the airlift, the Bloc would have to take action against civilian German ground access to an extent that would justify other more drastic responses on our part. Further, we understand that the Air Force at present considers that a total airlift for all West Berlin is probably feasible against the electronic counter-measures (ECM), which are the least dramatic and hence most probable type of Bloc interference. We do not pretend to independent judgment on the latter point and in our subsequent discussion of the subject merely cite the data which we believe to be correct. Further examination of these data would have to be checked with authorities on operations of the kind in question. In this context, however, we point out that peacetime air safety standards would not have to be maintained, that ingenious and unconventional ways of performing a mission often develop under pressure, and that even if airlift were adopted as our initial response, we could switch to other

responses at any time that they appeared appropriate.

To turn to the positive advantages of an airlift as an initial Allied response, we believe that the following are the salient factors: 1) an airlift represents merely the continuation of activities that we are already performing, 2) to take action against an airlift would put the burden of (figuratively or literally) firing the first shot on the Bloc, and 3) use of an airlift permits development of a sequence of progressively more serious situations, for each of which we can plan appropriate responses designed to persuade the Bloc to go no further -- responses, furthermore, which would have the best chances of being politically feasible in the West and hence of being credible to the Bloc in advance as serious possibilities.

Assumed Initial Setting

The Soviet Union calls the peace treaty conference and, together with other Bloc states, signs a peace treaty with East Germany surrendering all Soviet occupation rights and duties in East Germany and Berlin and turning over to the East Germans full rights and the execution of these rights in controlling all types of access to Berlin. Subsequently (for the purposes of this discussion it does not matter precisely when), the East Germans demand that Allied military personnel observe as regards ground and air access certain administrative procedures which are unacceptable to the Allies. Again the precise nature of those demands with regard to autobahn and rail access can be passed over; it is only necessary to assume that demands have been made which are unacceptable to the Allies, and that the Allies temporarily withhold any attempt to exercise their rights of ground access to Berlin. We assume, finally, that the Allies have decided to make the air the initial field of contest over the Bloc's unilateral decision.

Initial Bloc action on air access would probably be a statement that with the signing of a peace treaty all use of East German air space was now under the control

of the East German Government. This principle would be clearly stated in the peace treaty itself (and is, indeed, a "right" which the East Germans have already begun to assert). The Soviet controller would probably at once leave the Berlin Air Safety Center (BASC) and an East German controller would present himself for admittance. The East German Government would probably state that it now had complete rights and powers of control over air access, but that it wanted to make procedures as simple and convenient as possible for the Allied powers and was prepared to have its controller do no more than exercise the same rights and functions in the BASC that the Soviet controller had exercised.

It is assumed that the Allied powers would refuse to let the East German controller participate in the work of the BASC. The East German Government would then probably announce another method of controlling air access, possibly designating an airfield such as Schoenefeldt at which aircraft proceeding to and from West Berlin would have to land for clearance. Some procedure for the filing of flight plans would be set forth.

Allied Use of Airlift

It is assumed that the Allies have already determined to ignore any such controls. At this point Pan American and British European Airways would be likely to decide that, lacking assurance of air safety, they would abandon their commercial flights to Berlin. Air France could be prevented from abandoning flights because its pilots, who are reserve officers, could be put on active duty and ordered to fly. Since this action, however, would in effect turn the Air France planes into military aircraft, this discussion makes no distinction between Air France planes under these circumstances and other Allied military aircraft.

The Allies at this point would have to determine the scope of the functions which they intended to perform with their airlift. They could limit themselves to

activity directly connected with the maintenance of their presence and functions in accordance with their rights in Berlin under the instruments of surrender. Even so, two further choices would confront them.

Under their occupation rights the Allies could, if they so chose, continue to fly East German refugees out of Berlin to the Federal Republic. The East Germans could, temporarily at least, of their own volition prevent many of the refugees from reaching West Berlin. The Bloc would, however, prefer to induce us to cut off the refugee flow ourselves. If we used our military airlift to carry the refugees the Bloc would, no doubt, denounce us violently. This discussion assumes, however, that the Allies would not refuse to transport the refugees.

Secondly, Allied commercial aircraft have regularly carried citizens of West Berlin and citizens of the Federal Republic to and from Berlin. To discontinue this service would be to give the East German Government a measure of control over the movements of such persons which it did not have prior to the termination of commercial Western air traffic between West Berlin and the Federal Republic. While we are assuming that at this stage the Bloc would in no way interfere with civilian German traffic on ground routes between West Berlin and the FRG, nonetheless if all West German and West Berlin officials had to comply with the same control procedures as the bulk of passengers now do on ground routes, there would result a perceptible increase in the East German powers of control over access to Berlin. This discussion thus further assumes that the Allies would decide to use their military airlift not only to supply their garrisons in Berlin, but also to perform for citizens of the Federal Republic and of West Berlin if they so desired, any or all of the functions previously performed by Allied commercial aircraft.

Temporary Allied Non-Use of Ground Access

We are assuming, and indeed we believe, that at this stage of the crisis the

Bloc would claim that it was merely requiring certain simple administrative procedures of the Allies in regard strictly to Allied military access and that it was in no way interfering with West German or West Berlin civilian access. We also assume and believe that at this stage the East German authorities would be scrupulous in facilitating civilian ground traffic between the FRG and West Berlin.

The situation at this point would involve assets and liabilities for both the Bloc and the Allies. The Bloc would have proclaimed full East German rights to control access to and from Berlin; it would have seen the exercise of these rights defied by the Allies in the air; the rights would be at least temporarily unviolated (if unused) on the ground. The Allies, conversely, would have defied the Bloc's assertion of East German control over access by air, but would have permitted this assertion of control at least temporarily to block the exercise of their rights of access on the ground.

The meaning of this mixed bag of assets and liabilities would, we believe, depend on the broader context in which these developments were set. In the 16 years that have passed since the termination of World War II, the Allies have permitted and tacitly accepted the assertion of many forms of communist control over their access to Berlin. Allied non-use of their rights of ground access might, unless the impression were counteracted vigorously in other ways, seem to West Berlin's people to be the penultimate link in a chain that led to their being abandoned to East German control. It might seem that the complete preclusion of Allied military access was only a matter of time, and the complete abandonment of the West Berliners to their fate inevitable. The confidence of West Berlin might thus be badly shaken and a mood of despair and willingness to surrender engendered. Western financial capital to support the industry and commerce of West Berlin might also rapidly dry up, thus adding economic stagnation to political despair.

For the Allies temporarily to rely on air access need not, however, have this effect. If by this time in the development of the Berlin crisis, the West had demonstrated in other ways its determination both to stand up to the Bloc's attempts at intimidation and to maintain the Western position in Berlin, Allied use of airlift at this stage might be understood in a different context. It could appear as only an initial approach by the Allies to a test of strength with the Bloc -- a test in which Allied resolve was remaining firm. An impression of this kind would feed upon such actions as, for example, during the gradual onset of the Berlin crisis a reenforcement of the Allied military position in West Berlin and Western Europe more generally, and an increase of readiness status in the Allied forces; additional measures in the United States to assure that the strategic strike force was secure from surprise attack; passage by the Congress of the measures called for in the President's Second State of the Union Message, which would be read as a proof of the Administration's political capability to use the great economic weight of the United States to increase US overall and especially military power for the longer run; and new measures by the Allies to assure an adequate supply of capital to West Berlin's industry and commerce and a thoroughly adequate level of stockpiles of all sorts of necessities in West Berlin. If they saw actions of this sort, there is no reason to suppose that the West Berliners would regard temporary Allied reliance on air access as the next to last act in their tragedy. They might well be concerned about their future, but they have shown their basic courage before. Moreover, between nervousness and surrender there is a wide gap in the case of people who have strong distaste for the consequences of capitulation.

Initial Bloc Reactions

The Bloc's reaction at this stage to continued Allied use of the air corridors and defiance of East German controls over air access could take different forms.

It is possible that beyond drawing attention to the Allied "violations of East German sovereignty" in the air and making some threats as to the dangerous consequences that would be involved if such violations continued, the Bloc would for a while take no additional actions at all to enforce East German control over access. In taking this course, the Bloc might reason that it could make out Allied non-use of ground access to be a victory, and that a substantial undramatic period of delay and inaction would weaken Western resolve, preclude the West's taking further defense measures, forestall sanctions against the Bloc and lead relatively soon to Western acquiescence in East Germany's "rights" to control air access.

Even should the Bloc take this course of action, the anticipated results need not necessarily follow. The coexistence of the Western and the communist cities of Berlin within a narrow compass has always led to numerous incidents, many of which have passed more or less unnoticed. Incidents of one sort or another, even if there were no communist intention actively to interfere with Allied military air traffic, would also inevitably be involved in the maintenance of this traffic. Against the background of the Bloc's unilateral action in signing the separate peace treaty and in asserting East German control over access, such incidents could be publicized in the West to sustain an atmosphere of crisis and to justify defensive and retaliatory measures against the Bloc.

It is, moreover, far from certain that the Bloc itself would want to maintain the situation for long without either taking further steps to enforce its will or taking political steps to disengage itself from a sequence of events the consequences of which it might not relish.

Passive Harassment

If sooner or later the Bloc determined to take additional measures to enforce

East Germany's control over access to Berlin, it would probably first resort to so-called non-violent means of interfering with Allied military air traffic. These would certainly include electronic counter measures (ECM) against communications and navigation procedures of our aircraft.

An all-out use of ECM by the Bloc would put our air traffic onto visual flight rules (VFR), and bad winter weather, if the action occurred at this season, would substantially reduce our operations. The requirements of the Allied missions in Berlin, however, are small; they could obtain almost everything they want from the West Berlin market, if they chose to; and in addition, they have stockpiles adequate for more than the few months that the bad weather would last.

The only problem that we would anticipate at this stage might be raised by the refugee flow, which in 1960 amounted to some 200,000 persons. This figure, however, represents a daily rate of less than 400, or about six plane loads. Even in the winter months the weather in the northern and central corridors should permit activity at this level. East Germans might wish to flee East Germany in larger numbers than usual during a crisis (and perhaps plans should be made for accommodating a backlog temporarily in West Berlin) but we incline to think that this increased urge would not be permitted free rein by the East German authorities (despite the problems that would be created for us if they opened the flood gates).

Active Harassment

The additional means of interference with our airlift most likely to be employed with or after the introduction of ECM would be the use of Bloc aircraft, probably only East German at this stage, to harass our aircraft in the corridors. It is true that maneuvers by the East German air force in the corridors on a substantial scale could make impossible the operation of our airlift on anything like a normal peacetime basis of air safety, so that, if we held to those standards of air safety, our airlift

would shrink to a trickle. For the short-term, however, the needs of our garrisons are small, and essential living supplies could be obtained through civilian German channels. Moreover, and most importantly, there is nothing to say that we would have to maintain peacetime air safety standards. At this stage in the Berlin crisis we would already be in a near-war situation and the assumption of greater risks would be justified. While inevitably some pilots would flinch in very near-miss situations, we are sure that enough pilots could be found who would stick to the straight and narrow track in the corridors. If collisions were involved, or if the Bloc resorted to other means of active harassment such as barrage balloons, Western political leaders could use these actions to demonstrate again the Bloc's aggressive intent and to justify further defensive and retaliatory measures. Western European credits to Bloc countries could be suspended, for example, and measures to restrict East-West trade undertaken.

Restriction of Civilian Ground Access

If even at this stage of tension the Bloc elected to proceed with its effort to alter the status of West Berlin to its liking, it would still be reluctant to fire the first shot. The Bloc would therefore be more likely to choose to start restricting West German civilian ground access to Berlin than to start firing at our aircraft with their own aircraft or surface-to-air missiles.

The Bloc might well decide to apply restrictions to German civilian access gradually -- just progressively delaying the clearance of trains, finding minor objections to certain shipments, claiming that certain canals were unusable. Stockpiles in West Berlin, however, are already sufficient for from six months to one year and could have been built up additionally prior to the development of impediments to access. Ground access, moreover, would probably not have been completely precluded, and it is estimated that against ECM the Allied powers could,

if need be, airlift to West Berlin some 4,200 tons per day on the average (annual average). Together with the other sources of supply mentioned, this amount would probably be adequate to sustain the population and at least part of West Berlin's industrial activity.

Even with a complete stoppage of civilian ground traffic and against ECM, it is estimated that our airlift and existing stockpiles in Berlin could sustain the West Berlin population on a somewhat austere basis for about a year. At the same time if, despite the defensive and retaliatory measures that the West had already taken, the Bloc went on to impose a complete blockade of Berlin, the Bloc's actions and our exploitation of them could create a situation in which our preparations to use military force to re-open ground access would be more credible to the Bloc and better justified in the eyes of Allied populations than would have been the use of a massive ground probe substantially earlier in the development of the crisis.

If even at this stage the Bloc did not seek some sort of political solution and went on the point where we chose to exercise our option of a substantial ground effort, there would, of course, be dangers of extended conflict. Nonetheless, in the face of any such manifest Bloc effort to seal off Berlin, the West might find itself with little alternative but sooner or later to exercise its option to re-open ground access. We believe, however, that use of the wide range of measures of readiness, defense, and retaliation that would be available to the West in the course of a drawn-out sequence of events such as we have described, could in conjunction with diplomatic efforts very probably persuade the Bloc to switch its efforts onto some other track well before this point had been reached.

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GCM

DEPARTMENT OF STATE

Bureau of Intelligence and Research

July 18, 1961

MEMORANDUM: The Likely Soviet Position in Negotiations
On Berlin and Germany

Introduction

The Vienna meeting between President Kennedy and Khrushchev marked the beginning of a Soviet campaign to induce the West to agree to new negotiations on Berlin and Germany on Soviet terms. Moscow's tactic at present is to stress Soviet determination to conclude a German peace treaty rather than the need for negotiations. By this tactic -- somewhat similar to that of 1958-59 -- the Soviets evidently hope to obtain the best possible terms for negotiations and simultaneously to strengthen their bargaining position in these negotiations.

This paper estimates the likely Soviet position in renewed negotiations on the problem of Germany, assuming they take place. Particular attention is given to the likely minimum Soviet terms for a negotiated settlement.

Moscow's actual position will be conditioned strongly by several factors which are not entirely predictable in terms of expected Soviet initiatives and motives -- the Soviet assessment of Western resolve to face up, if need be, to the consequences of unilateral Soviet action; Western actions and initiatives both before and during negotiations; and the degree of support either side can muster from the uncommitted countries of the world. A number of the judgments in this paper must, therefore, be expressed in rather general and tentative terms.

Soviet Objectives

The record of the past 32 months, in particular the negotiations at the 1959 Geneva conference, gives clear evidence of Moscow's major objective. It is, to consolidate communist rule in East Germany -- and, by extension, in all of Eastern Europe -- by: (1) containing and eventually eliminating the disruptive influence of a free West Berlin; and/or (2) confirming the final division of Germany and enhancing the international status of the East German regime. This has been reflected in one way or another in all Soviet proposals made to date -- Moscow's maximum proposal for a "two Germanies" peace treaty and, on this basis, a West Berlin "free city"; its fallback proposals for a separate "free city" agreement (June 1, 1959 protocol), for an "interim" Berlin agreement (June 10, June 19, and July 28, 1959, May 9, 1960), and for "interim" all-German talks (June 4, 1961).

In addition, the Soviets would hope for an agreement on Berlin and the two Germanies that would seriously weaken NATO by calling into question the West's determination to live up to its commitments. The Soviets probably regard this aim as a by-product, however, as they cannot be sure that, in pressing their demands, they would not strengthen NATO in the final analysis.

To date, the USSR has made no real effort to utilize its Berlin threat as a bargaining device for checking West German rearmament or for other objectives. Indeed, the Soviets from the very beginning have been careful to reject any connection between a Berlin settlement and a disarmament agreement (such as the Rapacki Plan), obviously being aware of the possibility for almost endless procrastination in disarmament negotiations.

It is true that the USSR's draft peace treaty of January 10, 1959 would provide for the virtual neutralization and demilitarization of West Germany. However, it is extremely doubtful that the Soviets have ever regarded this draft -- in its present form -- as a serious negotiating proposal; the unilateral action which they threaten -- transfer of access controls to the East Germans -- would be far less onerous to the West than the provisions of the draft treaty (demilitarization of West Germany, acceptance of the "two Germanies" thesis, as well as conversion of West Berlin into a "free city").

At the same time, this past record does not necessarily mean that the Soviets would under all future circumstances avoid linking the Berlin issue with the question of German rearmament. Such a move could further Soviet aims vis-a-vis West Germany or serve as a cloak for a Soviet retreat on the Berlin front.

Terms of Negotiations

Peace Conference vs. Negotiating Conference. Moscow's formal position calls for the convening of a peace conference of all states at war with Nazi Germany for the purpose of concluding a peace treaty with the "two Germanies." Past Soviet behavior and current Soviet statements indicate that the USSR anticipates a Western rejection of this proposal and actually is aiming for a four- or six-power conference to conduct negotiations on the Berlin and "two Germanies" issue. It is to this prospect that the remainder of this paper is directed.

Agenda. In his June 28 (1961) speech, Khrushchev stated that "we are for negotiations with the Western powers on the question of a peaceful settlement with Germany." (*Italics added.*) This statement represents a relatively neutral agenda formula, particularly since it is the first such Soviet statement during the present campaign. It seems likely that the USSR would accept an agenda formula which avoided a bias in its favor -- i.e.,

which did not specify Berlin and a German peace treaty as subjects of negotiations. However, the Soviets would not accept a formula which implied four-power responsibility for German reunification. As noted below, there have been recent indications that the Soviets may wish to revert to their position of 1954-57 and raise the question of European security in connection with German problems. However, the Soviets would probably seek to have the specific terms of the agenda formula limited to the German question. The Soviets probably calculate that specific inclusion of disarmament on the agenda would undercut the Soviet rationale for including the GDR (and FRG) in the conference. And Moscow would prefer to have the West assume the initiative in raising European security questions in this connection.

Participants and Level of Negotiations. In his July 8 speech, Khrushchev hinted that he would like to have a summit-level conference. This may be nothing more than an initial bargaining position. Indeed, there is some evidence that the Soviets would not object to, and might even prefer, a conference on the foreign ministers' level. Ulbricht's gratuitous reference to a foreign ministers' conference in his June 13 interview with Hearst supports this conclusion. Also, a foreign ministers' conference would give the USSR a better argument for including the East Germans (having the precedent of the German advisors at the Geneva foreign ministers' conference in 1959), and would leave the way open for another round of negotiations -- at the summit level -- should the conference deadlock. Khrushchev might want to avoid the acute embarrassment he suffered -- particularly vis-a-vis the Chinese Communists -- when he committed his prestige to a successful outcome of the Paris summit conference.

The Soviets almost certainly would raise the demand for East and West German participation in a conference, particularly a foreign ministers' conference confined to the German question. Even though they did not press the point of German participation in connection with the Paris summit conference, the Soviets would probably be persistent in this demand, calculating that the West's desire to forestall unilateral action (a more acute threat now than in 1960) by means of negotiations would undercut obstinacy on "procedural" arrangements. Moscow might, however, be prepared to leave open this question until the conference convened (as in the case of Polish and Czech participation in the 1959 conference) and would agree to advisor status for the East and West Germans. The Soviets might even drop the demand altogether if they felt that the West had a take-it-or-leave-it attitude toward negotiations.

Negotiating Tactics - Opening Moves

Probably the first Soviet step in negotiations would be to table -- for the record -- its draft "two Germanies" peace treaty of January 10, 1959 (possibly including the minor amendments the Soviets offered at the 1959 Geneva conference). As noted above, the Soviets would not regard this as a serious proposal for negotiations, but as a maximum demand designed to highlight the "reasonableness" of subsequent, lesser demands.

The USSR might also table, at or about the same time, a proposal for a separate agreement on a "free city" administration for West Berlin, along the lines of its June 1, 1959 protocol. If so, this proposal might contain some innovations. In particular, it might provide for a larger UN role than previous Soviet proposals have specified (i.e., registering the "free city" agreements with the UN and periodic reports to the UN Security Council by the supervisory international commission). The June 4, 1961 aide-memoire and Khrushchev's June 28 speech went beyond the previous Soviet position by proposing, respectively, the stationing of neutral troops "under UN auspices" in West Berlin and a UN role as guarantor as an alternative to four-power or neutral troops. Presumably Moscow believes that a UN supervisory commission, with a UNEF type of force made up of neutral troops at its disposal, would be more attractive to the Western powers, would virtually ensure eventual GDR admission to the UN, and would win wider support among other UN members.^{1/} In another obvious appeal to the uncommitted nations, the communists have recently been stressing (since publication of the June 4 memorandum), and presumably would include in any revised proposal "free city" plan, that West Berlin would be "neutral" under a "free city" arrangement.

Negotiating Tactics - Middle Game

Assuming these proposals were rejected by the West as a basis for negotiations (and the Soviets would expect a rejection), the Soviets would probably table one of their several "interim" agreements which are now on record, namely, an "interim" agreement on West Berlin, coupled with all-German talks (along the lines of the memorandums of July 28, 1959 and May 9, 1960),^{2/} or, an "interim" agreement providing for all-German talks (as given in the June 4, 1961 memorandum).

1. The Soviets may also hope in this fashion to improve their diplomatic position following the conclusion of a separate peace treaty, if the situation comes to that. See IR-8492.

2. For the "interim" agreement provisions of the various Soviet proposals see IR-8488 - The Soviet Position on Berlin and Germany July 1959-May 1961.

It appears likely that the Soviets would choose the latter for their initial fallback proposal; it is the most recent of the Soviet proposals, and Khrushchev asserted, in his July 2 conversation with British Ambassador Roberts, that the Soviets were opposed to picking up negotiations where the 1959 Geneva conference left off. These developments should not, however, be interpreted as meaning lack of Soviet interest in an "interim" agreement on Berlin; Khrushchev's statement to Roberts is an understandable reaction to the US announcement that it was not bound by positions taken during the Geneva talks.

The Soviets would, of course, realize that the June 4 "interim" agreement proposal was unacceptable to the West; it represents nothing less than a firm Western commitment to sign a "two Germanies" treaty (or accept a unilateral Soviet treaty) after a brief interlude of all-German talks designed by the Soviets to prove -- by the foreordained failure of such talks to reach agreement on unification -- that the chances of German reunification were dead, once and for all. (Khrushchev bluntly stated the latter as an aim during his talks with President Kennedy.)

However, the Soviets could manipulate or moderate their June 4 proposal in a number of ways. If they chose to seek a negotiated agreement along these lines, the Soviets might "concede" that the interim period for all-German talks could be lengthened, or that the question of what happens after the interim period lapses could be left open, or even that the German talks could be combined with a standing four-power commission charged with examining the German question. The aim of this Soviet approach would be to enhance the status of the GDR and to win eventual acceptance of the "two Germanies" concept.

Alternatively, the Soviets might choose to stand firm on their June 4 proposal as it now stands with the purpose of using it as a lever for getting the West to consider another, presumably more forthcoming, alternative proposal, in particular, an interim proposal on Berlin. As discussed below, the Soviets would also be prepared to entertain modifications in such a proposal.

1. The June 4 memorandum provides: "An interim solution could be adopted for a definite period. The four powers will urge the German states to agree in any way acceptable to them on the questions pertaining to a peace settlement with Germany and reunification. The four powers will declare in advance that they will recognize any agreement which the Germans reach. In case of a positive outcome of the talks between the GDR and the German Federal Republic a single peace treaty would then be agreed on and signed. If the German states are not able to agree on questions mentioned above, measures will be taken for the conclusion of a peace treaty with both German states or with one of them at the discretion of the countries concerned. In order not to drag out the peace settlement, it is necessary to establish deadlines within which the Germans must explore the possibilities of agreement on questions falling within their internal competence. The Soviet Government regards a period not exceeding six months adequate for such talks."

While the foregoing represents the most likely pattern of Soviet initiatives in the opening and middle phases of negotiations, there are other possible Soviet gambits which merit mention. For some time, the Soviets have been hinting that they might bring forth a truncated "two Germanies" peace treaty limited to provisions (1) ending the state of war, (2) recognizing existing German borders (and states), (3) calling for non-aggression and non-acquisition of nuclear weapons by the two Germanies, and (4) establishing a new status for West Berlin. They might even limit the treaty draft to the first two points, with the proviso that the status of West Berlin would be unchanged for a stipulated period of time pending agreement on a new status. It seems unlikely, however, that Moscow would take this step until it was reasonably sure that the Western powers were willing to discuss the terms of a peace treaty, as it would not want to sacrifice for naught the propaganda advantages of the existing draft treaty provisions providing for the virtual neutralization and demilitarization of West Germany.

There have been several recent indications of a possible switch in Moscow's position opposing any ties between its Berlin demands and a disarmament agreement. In his July 8 speech, Khrushchev renewed various Soviet proposals on European security -- the Rapacki plan, withdrawal of foreign troops, NATO-Warsaw Pact non-aggression treaty, measures for preventing a surprise attack -- which have been virtually dominant since 1959. (Ulbricht's "peace plan," announced July 6, 1961, contains similar provisions, and Khrushchev's June 28 speech contained a gratuitous endorsement of certain proposals for troop withdrawals made by Field Marshal Montgomery.) Perhaps even more significant, in his talk with Ambassador Roberts, the Soviet leader

1. Khrushchev's June 28 speech contains the most recent hints concerning such an approach. In discussing the terms of a "two Germanies" treaty, Khrushchev stated that the FRG could remain in NATO and the GDR in the Warsaw Pact "until the two sides come to an agreement on the liquidation of military blocs." This would mean in effect an indefinite continuation of the present treaty ties of West and East Germany. Heretofore, the farthest the Soviets have gone on this direction was to allow that these treaty ties could remain in effect "temporarily" following the conclusion of a peace treaty. In addition, Khrushchev outlined the terms of a "two Germanies" treaty in the following words: "The Soviet Government proposes that the postwar frontiers in Europe be guaranteed against any encroachment by revenge-seekers and that the situation in Western Berlin be improved. We propose that in an international document the Germans pledge never to make any attempt on the independence, freedom, and sovereignty of other states, and to live with them in peace and friendship, without resorting to the use of or the threat of force."

suggested that European security was a very important issue tied up with the German problem, but one which the West had been ignoring recently.^{1/}

Most likely these statements are aimed primarily at awakening Western interest in these oft-rejected Soviet proposals in preparation for a possible renewal of disarmament negotiations. By dangling before the West a possible way out of a major crisis over Berlin -- i.e., postponement of a separate peace treaty while negotiations on an agreement on European security are conducted, the Soviets probably hope to elicit a conditional but positive response from the West which in turn they would cite as an endorsement for separate, unconditional negotiations on European security within a reconstituted disarmament forum. For this reason, and because the Soviets would not want to weaken prematurely the force of their demands on the Berlin and "two Germanies" issues (which serve the major Soviet aim and which also offer the Soviets more promise of ready, concrete gains than drawn-out disarmament talks), it is unlikely that Moscow would initiate during the early or middle stages of negotiations on Berlin any proposal linking the German and disarmament issues. Under certain conditions, however, the Soviets might make such a move during the later stage of negotiations, and it is in this connection that Khrushchev's remarks are particularly significant.

Negotiating Tactics -- End Game

General Considerations. Before coming to grips with the root of the problem -- namely, the minimum terms of a negotiated settlement likely to be acceptable to the Soviets -- it is desirable to examine several general considerations which have an important bearing on this question.

First, the history of Soviet handling of the Berlin question over the past 32 months demonstrates that -- quite apart from the possible risks and political liabilities of unilateral action -- the Soviet Government believes that it can gain more through negotiated agreements than through forcing the West to accommodate itself to communist unilateral action regarding Berlin. Moreover, realizing that they have little hope of inducing the West to agree to their maximum demands -- establishment of a "free city" and signature of a "two Germanies" peace treaty of some sort -- the Soviets actually aim at an initial, relatively limited "interim" agreement which would leave the way open for further advances through negotiations and graduated pressures.^{2/}

1. East German spokesman Hermann Matern also raised this European security issue at the July 6 Volkskammer session.

2. See INR/RSB-MM-61-130, Soviet Handling of the Berlin Problem, June 22, 1961, for a further discussion of this point.

Second, despite Khrushchev's current insistence that the USSR "will" sign a peace treaty by the end of 1961, there is actually considerable leeway in the Soviet judgment of what would constitute an acceptable agreement. Even though the Soviets are probably confident that they could manipulate the implementation of a separate treaty in such a way as to avoid undue risks of war, the more they are convinced by prior Western actions and statements that implementation of a separate treaty to a certain point would bring on a dangerous confrontation of opposing forces, the more inclined they would be to accept a relatively innocuous negotiated settlement. At the same time, Western military readiness moves, taken at an early stage of the developing crisis over Berlin, which had a "war or capitulate" ring to them would actually have the effect of making the Soviet negotiating position more rigid by making a retreat from maximum Soviet demands more difficult.

Finally, there is also considerable flexibility in Moscow's negotiating position regarding the choice of which of its several, interlocking objectives to concentrate on: undercutting the Western position in Berlin, which was the main intent of Soviet proposals tabled at Geneva and Paris; promoting the "two Germanies" concept, which would be served by an agreement along the lines of the June 4 "interim" proposal; or limiting West German rearmament, which would be a principle aim of an agreement on European regional disarmament.

Perimeters of Soviet Position. The foregoing discussion indicates that there is a shading scale -- both vertical and horizontal -- of "minimum" Soviet positions, and that the actual "minimums" will be determined (1) to some extent by the interest the West shows in one or the other potential areas of agreement, and (2) even more significantly by Moscow's estimate of the West's resolve to resist major encroachments on its rights regarding Berlin.

There is, however, a hard outer shell of Soviet resolve which bounds this area of flexibility:

-- Moscow would not agree to any meaningful step toward unifying Germany under a freely elected central government. Nor would it agree to any proposal conveying Soviet acceptance of sole four-power responsibility for German unification. (However, the Soviets can be compelled to take a less negative public stance on German unity by energetic Western diplomatic moves in support of this concept.)

-- Moscow would not agree to any proposal by which it would forego the "right" to conclude a separate peace treaty (i.e., accept the idea that a German treaty can only be concluded with a unified German Government).

-- Moscow would not accept any agreement which would tie its hands for an indefinite period in contesting West Berlin's present status (i.e., would confirm existing Allied rights in Berlin until the formation of a unified German government).

— Moscow would not accept an agreement conferring "free city" status on all of Berlin which contained reasonable guarantees that the unified free city would remain independent of the GDR.

Broadly speaking, the West has open to it four approaches to an agreement with the USSR reached prior to a separate peace treaty: (1) acceptance of existing Soviet proposals with modifications; (2) "interim" agreements; (3) expanded or substitute agreements; or (4) agreement to defer agreement. The likely minimum Soviet position in each of these instances is presented without regard to its relative acceptability to the West.

Modification of Existing Soviet Proposals. If the West indicated interest in negotiating a new status for Berlin, the Soviets would probably offer modifications in their proposal for a West Berlin "free city" in addition to those cited above. In particular, they would probably agree to an arrangement by which the UN, in addition to establishing a supervisory commission and a symbolic police force for West Berlin, would be given control over non-GDR traffic to West Berlin — i.e., placement of UN controllers at surface and air checkpoints. (The USSR would almost certainly reject, however, the establishment of a land corridor between the FRG and West Berlin on the grounds that this would be a denial of East German sovereignty.) The communists could find compensations in such an arrangement, even though it would mean a derogation of GDR authority. The UN would be obliged to come to some sort of an agreement with the GDR, thus virtually assuring the latter's eventual acceptance as a member of the world organization. And although such a strong UN presence would make it difficult for the USSR and GDR to bring pressure to bear on the "free city's" affairs, in particular West Berlin's role as the transit center for the flow of refugees to the FRG, the communists would still be in a position eventually to challenge the UN's tolerance of such "activities" inimical to the GDR regime.

As an alternative modification of their West Berlin "free city" proposal, the Soviets might propose that the "free city's" administration be guaranteed by a supervisory commission and symbolic military force composed of the three Western Allies. In such case, however, the Soviets would almost certainly insist on GDR control of access routes and GDR and USSR signature of the original agreement.

The USSR would not adhere to any formal agreement limiting the terms of a separate peace treaty it might choose to sign with the GDR. However, if confronted with an unyielding Western position in the course of negotiations and if convinced that the West's response to a unilateral infringement of its rights in Berlin would create high risks of general war and high political costs, the Soviets might possibly reach an informal understanding with the West to include a provision in the separate treaty deferring implementation of the treaty provisions regarding Berlin for a set period, until an agreement on West Berlin's "free city" status was reached.

"Interim" or Limited Agreements. The major Soviet aims in a minimal interim agreement on the Berlin or "two Germanies" issues would be to attain some evidence of "progress" on these issues and to keep a free hand to raise new demands at the expiration (or during the course) of the agreement. At Geneva, the Soviets indicated a willingness to leave open the question of what would happen to Western rights in Berlin after an interim or limited agreement expired. But they also demonstrated clearly their opposition to any proposal specifically reaffirming Western rights indefinitely.

Toward the end of the Geneva conference, Gromyko indicated that the USSR would accept an 18-month agreement on Berlin providing for (1) a reduction of Western troops in West Berlin (in exchange for a USSR declaration that all Soviet troops had been withdrawn from East Berlin); (2) the non-stationing of nuclear weapons in Berlin; (3) declarations by the three Western Allies, on the one hand, and the GDR, on the other, that they would not engage in activities hostile to the other side; (4) reconsideration of the situation by the four powers at the expiration of the 18-month period; and (5) maintenance of existing access modalities during the period of the agreement.

In a pinch, the Soviets would probably be prepared to accept a less comprehensive limited agreement on Berlin (with the terms varying in roughly inverse ratio to the length of the agreement). Probably the minimum terms the Soviets would accept would be a four-power agreement providing for (1) a freeze on troop levels in Berlin (or, alternatively, affirmation that there are no juridical ties between the FRG and Berlin); (2) endorsement of separate statements by the West and by the GDR pledging in some fashion to constrain activities prejudicial to the other side in regard to Berlin; (3) renewal of negotiations on the situation after a set period -- say, one and one-half to three years -- in exchange for maintenance of existing access modalities during the same period; and (4) no statement, one way or another, concerning Allied rights in Berlin.

As for the minimal Soviet terms for an agreement limited to interim talks between the two Germanies, the USSR would probably be prepared to omit any reference to commitments regarding the signature of a peace treaty following the expiration of the set period (or the failure of the talks) in exchange for an agreement to hold four-power talks to reconsider the German problem at the end of a relatively short period -- say, one to two years.

There is a chance that the USSR would accept an open-ended (no set time-limit) agreement on Berlin along the foregoing lines. In such case, the Soviets would undoubtedly insist on some language suggesting the provisional nature of the agreement and an understanding to reconsider the question later. Another variation of the all-German talks approach, in effect amounting to deferral of an agreement, is discussed below.

Expanded or Substitute Agreements. Because of the additional variables involved, it is particularly difficult to estimate the likely minimal Soviet conditions for an agreement which either submerged the Berlin issue in a much broader East-West accommodation or substituted in its stead an understanding on another issue. As a general proposition, it seems unlikely -- for the foreseeable future at least -- that the Soviets would abandon their basic positions on Berlin and Germany (i.e., agree to guarantee indefinitely the status quo regarding Berlin, or agree to a four-power plan to unify Germany through free elections) except in exchange for Western concessions so high that the deal would be patently unacceptable to the West. Therefore, agreements of this type would be essentially another form of interim agreement. They might improve the terms of interim agreements as they related specifically to Berlin and a German peace treaty (the USSR might even agree to no agreement whatsoever on these two issues, so long as its "right" to unilateral action was not denied for an indefinite period), but the West would have to be prepared to offer concessions in other fields.

A distinction should be drawn between proposals of this sort which could be quickly negotiated or accomplished through declaration (e.g., Western recognition of the GDR or the Oder-Neisse line, further restrictions on nuclear arms in Germany, NATO-Warsaw Pact non-aggression treaty) and those which would require lengthy and perhaps inconclusive negotiations (European security system, simultaneous talks on German unity, all-German contacts, and German peace treaty). The former approach could win the West more time or better terms for a limited agreement on Berlin, but it might also stimulate the communists' appetite. The latter approach has more to command for it, as it would involve few if any irreversible concessions by the West, and would provide an opportunity to defuse the Berlin issue by submerging it in broader issues for some time to come.

Deferral of Agreement. Finally, given a high appreciation of Western resolve, the USSR quite likely would agree to remand the issues under negotiation to another negotiating forum. This could come about in several ways.

If the negotiations were held on the foreign ministers' level, the USSR would probably agree to refer the issues to a subsequent summit conference in order to resolve remaining differences (in the event the two sides reached substantial areas of agreement at the original conference), or, in order to avert a dangerous crisis (in the event their was a full breakdown of the original talks, though in this case the USSR would probably first take some further steps in the direction of concluding a separate treaty).

If the negotiations were held at the summit level, the USSR would probably agree to remand the talks to the foreign ministers in order to resolve remaining differences in the event the two sides had reached substantial agreement. Indeed, given the short duration of summit conferences, this step would probably be necessary on technical grounds alone.

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There is a third, and more promising means of defusing the Berlin crisis by spinning out negotiations over an extended period. If the West played its cards right, it seems not unlikely that the USSR would agree to the formation of a four-power commission, without a specified terminal date, to consider the terms of a German settlement (means of unification, peace treaty). However, in order to make this palatable to the Soviets and in order to maintain intact its own position regarding German unity, the West would probably have to make two concessions to the Soviets, namely: (1) the inclusion in the commission of advisors from the two Germanies (the Soviets hold that unification can only be achieved by the two Germanies but that the four powers can assist the latter in this endeavor), and (2) Allied agreement to consider simultaneously with unification the terms of a peace treaty with a unified Germany, which also would inevitably mean discussion of Germany's international boundaries.

Expansion of the terms of reference of the commission to include European security measures would give the West (and the USSR) more leeway in conducting the work of the commission without coming to an early impasse and without compromising basic positions on the future of Germany and Berlin. However, the Soviets would probably insist, in this instance, on the inclusion of Poland and Czechoslovakia.

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MAKING THE MOST OF BERLIN

W. Phillips Davison
the RAND Corporation
July 20, 1961

A plea for recognition that Soviet
pressure on West Berlin represents
a potential asset to U.S. foreign
policy as well as a problem

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SUMMARY

- 0 The Berlin situation provides an opportunity for the West to emphasize facts about the city itself and about East Germany that are highly embarrassing to the Soviets.
- o By using the Berlin crisis to focus attention -- particularly in emerging nations - on the Soviet record in Berlin and East Germany, the United States can substantially raise the cost to the Soviets of bringing pressure on West Berlin.
- o The United States at present lacks the facilities to exploit the Berlin situation fully. Supplementary resources should therefore be made available to bring the force of world opinion to bear on the Soviets.
- o An effort of this nature will not reduce political flexibility in any way, but will provide a valuable adjunct to the diplomatic, economic, and military measures taken in defense of Berlin.

MAKING THE MOST OF BERLIN

The West has a Good Story to Tell About Berlin

Every time the Soviets renew their threats to Berlin they focus world attention on a situation which, morally and legally, is more heavily weighted in favor/^{of}the West than any other current world problem. The West Berlin population backs up the Western position almost to a man; its devotion to the West has been demonstrated repeatedly. Berliners want Allied forces in the city; they don't trust Soviet or international guarantees. The West's legal position is clear.

By way of contrast, the political instrument of the Soviets is the Ulbricht regime, one of the most unpopular of the satellite governments. The totalitarian and colonial character of East Germany can be convincingly documented to anyone visiting Berlin or even West Germany: refugee camps are full of eloquent witnesses to the suppression of the East Germans by the Soviets; some of the leading officials of East Germany are Soviet citizens; the historical record of Soviet exploitation and oppression of East Germany is eloquent. Furthermore, the Soviets now propose to break several international commitments.

The Berlin

The Berlin situation, and indeed the whole German picture, is also heavily weighted in favor of the Western approach to economics. Here two areas are juxtaposed that started from approximately the same base after the war, except that the East was somewhat more self-sufficient and less destroyed. Now, after fifteen years, East Germany is not only far behind West Germany economically, but has even stopped talking about catching up with the West German standard of living. If apologists for East Germany try to find extenuating circumstances for this, they are likely to fall into the even more serious trap of admitting that the Soviets have exploited the area economically, and have imposed very heavy military burdens on it.

The recent history of Berlin and East Germany is still more damaging to the communist world image. Soviet looting after World War II, the formation of the Socialist Unity Party at gunpoint, the rigging of East German elections, the Berlin blockade of 1948-49, the violation of human rights in East Germany, frequent kidnappings in West Berlin, and
many

many other chapters, compose a story that can be fully documented, and that shows Communism in a very poor light indeed. Every time that attention is focussed on Berlin it is relevant to recall this history. It is also relevant, in connection with the Soviet "free city" proposal, to recall former Soviet guarantees, such as the one Molotov gave Estonia in 1939:

The assistance pact with the Soviet Union would not bring any perils. We do not want to impair your sovereignty or form of government. We are not going to force communism upon Estonia. We do not want to hurt the economic system of Estonia, Estonia will retain her independence, her government, parliament, foreign and domestic policy, army and economic system. We are not going to touch all this....You may be sure that you will never regret you signed this pact with us. Our Bolshevik word is like steel....When the Bolsheviks promise something, we shall keep it.

Many similar guarantees, and the story of what became of them, are called to mind by the present Soviet tactics.

Finally, any discussion of the situation in East Germany can be used to show up the unpopularity of other regimes in the satellite countries -- a point about which the Soviet Union appears to be particularly sensitive.

Thus,

Thus, by directing world attention to Berlin, the Soviets are also providing an occasion for the West to call attention to the legal and moral background of the situation and the sorry communist record.

The Soviets are vulnerable to World Public Opinion

At the same time that they are bringing Berlin into the headlines again the Soviets are investing large quantities of energy and money throughout the world in trying to identify the West with opposition to popular aspirations, with warlike tendencies, and with colonial intentions. They are also investing time and rubles in trying to show that the communist system of economic development is more efficient and more successful than a free economy. They have been successful in convincing some leaders in new nations of the superiority of the Soviet system; others have been persuaded that there is no appreciable difference between the communist and the free world. Yet the facts of the Berlin and German situations constitute a powerful counter-argument to many of the principal Soviet themes.

Let's imagine for a moment what the Soviets would be likely to do if the situation were reversed; if the moral,
legal,

legal, and economic considerations were heavily on their side, if the Berliners supported them fully, and if we were threatening the freedom of West Berlin. Certainly, the Soviets would make every effort to exploit this opportunity and to damage our position to the maximum extent possible in every part of the world. We could expect "save-Berlin" committees to spring up in many countries. Resolutions demanding justice for Berlin from every possible communist-front organization and some non-communist organizations would converge on Washington. Mob action against U.S. embassies in many countries could be expected; scarcely a U.S.I.S. window would remain unbroken. Delegations from all sorts of legal and humanitarian organizations would be sent to Berlin, and their reports on the threat to freedom offered by the imperialist and capitalist powers would be widely publicized. It is probable that such a campaign would have a real impact on uncommitted opinion throughout the world; it would nullify some of the political effects of our economic and military aid, and it would make our political position in many uncommitted countries even more difficult. It would thus ultimately have a real dollars and cents cost for us.

By the

By the same token, if we are willing to make the effort, we, too, can organize a world-wide campaign that would turn the Soviet threat to Berlin to our political advantage. This would not by itself save West Berlin, but it would be an important factor in helping to save it, in conjunction with military and economic measures, by increasing the political cost to the Soviets of trying to change the status quo. A campaign of the kind envisaged could be expected to reduce the power of local communist leaders in some countries, to lower good-will for the Soviets and East Germans in others, to make it more difficult for the East Germans to develop their trade relationships, and so on. Of course the West cannot use the same propaganda techniques and strategies that the Soviets would use. For us they would be counter-productive. But it is my firm belief that our own more sober and factual methods can be even more effective in the long run.

We should recognize, however, that at present the relevant agencies of the U.S. government do not have the money or personnel to conduct a campaign of this kind. They are
already

already overburdened by existing programs. Additional resources would have to be allocated to the task.

Steps for Exploiting the Berlin Situation

It is suggested, therefore, that the Departments and Agencies concerned with political exploitation of Soviet pressure on Berlin be given authority as soon as possible to employ additional personnel on short-term arrangements, to contract for the performance of services, and to cover the necessary expenses of the activity that are not already provided for in departmental and agency budgets. These expanded activities would, of course, have to be undertaken on a co-ordinated basis and in accordance with a general plan.

The directing officials and the groups -- both official and private -- through which they work should be enabled to conduct their activities in close co-ordination with authorities in West Germany and Berlin. Indeed, a combined German-American approach might be most effective. Some English and French participation might also be desirable; it is probable that their experience and capabilities in many parts

parts of the world would be valuable, and they should in any case be kept informed.

Planning for the operation should proceed in two stages. First, a rapid review should be made to determine the geographical areas in which the Soviets might have the most to lose, or the West the most to gain, through intensive political exploitation of the Berlin situation. For example, it might be found that Soviet or East German investment in Country X had reached a point where the Communists would soon start reaping political gains if there were no intervening events to damage their standing. In Country Y, on the other hand, it might be found that the leaders were already well aware of Soviet aggressiveness, but realized that they would have to walk a neutralist tightrope until the balance of power had changed. This review, therefore, would be designed to pinpoint areas of emphasis; the story should be told especially in those countries where it is likely to do the most good.

Once areas of emphasis had been determined, a program of action, specially designed for each area by Washington planners in conjunction with U.S. and possibly West German officials

officials on the spot, should be brought into play. This would involve invitations for local leaders to visit Berlin, visits by Berliners to the principal capitals concerned, preparation of popular historical treatments on Berlin and Germany, a vast increase in the publicity designed for specific leaders and populations, visits to capitals throughout the world by prominent Americans who are familiar with the Berlin situation, appeals from Mayor Brandt to leaders in new countries ("You who have recently gained your freedom know how important it is; help us to preserve ours"), and indeed any stratagem that can successfully stand the test of sober scrutiny.

The activity should be designed to emphasize the moral, legal, and economic issues involved in the Berlin situation: the fact that East Germany has never had a free election and is ruled by a government supported only by Soviet weapons, that West Berlin has voted almost to a man again and again in favor of maintaining its present status, that Soviet promises and guarantees have proved worthless in the past, and so on. It should also show up the Soviet

"free

"free city" proposal as a prelude to take-over, and emphasize that it is not wanted by West Berliners and will not reduce tension. Operations would, of course, have to be conducted with sensitivity, and hidden efforts to manipulate the reactions of foreign publics should be avoided. A factual, low pressure but large volume campaign would seem to promise the best results.

What Results Can Be Expected?

The proposals advanced here are not new; all of them have been tried on a small scale at one time or another. This suggestion, therefore, is not that the United States embark on a new activity, but that it expand present activities to a level of effort similar to that employed by the Soviets in exploiting the situation in Cuba, race disorders in the South of the United States, or charges of bacteriological warfare in Korea, even though the specific techniques of the Western and Soviet campaigns would be quite different.

Without a study of each area, it is impossible to predict the kinds of responses that might be expected. However, the reactions of Africans and Asians who have visited Berlin in
the past

the past have been encouraging, and it is probable that much more could be done by way of informing future visitors about the issues involved and giving them opportunities to inform themselves. Much more could also be done to inform those who cannot make their own observations on the spot. Several years ago, an Indian visitor to Berlin was so disturbed by the violation of moral principles implicit in the situation he saw that he started a one-man agitation campaign in favor of liberating the East Germans. Although he was only one person, and apparently received no financial backing from any source, his activities embarrassed the East German government and the Soviets substantially. As I remember, his name was Zutschi. If one Zutschi could do so much by himself, one thousand Zutschi's should have a very appreciable political impact.

In short, there is a dramatic story that can be told in connection with the Berlin crisis, and it should be told where it will hurt the Soviet and East German governments most: primarily in Asia, Africa, and South America. In the past, American publicity has proved extremely effective

when

when objectives are clear and when the necessary means have been made available. It can be effective again; and without reducing political flexibility in any way can provide a valuable adjunct to the diplomatic, economic, and military measures taken in defense of Berlin.

WPE/rf

July 10, 1961

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DEPARTMENT OF STATE
THE DIRECTOR OF INTELLIGENCE AND RESEARCH

MEMORANDUM: The Berlin Crisis: A Proposal

U.S. Objectives

US purposes with regard to Berlin are

- 1 - to maintain West Berlin under a Western political and economic system,
- 2 - to reduce to the minimum the risks of war inherent in the present Soviet approach to Berlin,
- 3 - to avoid taking action detrimental to, and if possible to promote, a reasonable and stable modus vivendi between East and West.

Soviet Objectives

The Soviet handling of the Berlin problem to date has made clear the view of the Soviet leaders. They believe that their improved military position should induce the West to make modifications with regard to West Berlin which in the long-run will lead to increasing Communist control over it. Their handling of the problem has further indicated that they want to obtain these modifications from the West through negotiation. This they expect to do by bringing to bear on the West the threat of a dangerous confrontation, though it is also clear that they would greatly prefer to avoid the actual occurrence of such a dramatic showdown with all its inherent political, economic, and military risks.

The primary purpose of the Soviet leaders with regard to Berlin is to diminish, and if possible remove, the disruptive influence of West Berlin on East Germany. They would thereby add to the stability of the Soviet position in East Europe as a

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whole. To improve this position further, they hope through their handling of the Berlin problem to get increased Western recognition for their East German satellite. In so doing, they wish to avoid actions and positions that would carry both risks of seriously damaging their overall political and economic position and risks of general war. While Khrushchev has made a considerable political commitment to alter the situation in Berlin, the Soviet approach to the problem is essentially rational.

Conclusion

The Soviet leaders are acting on a calculus of profit and liability, and thus hold a negotiating position, that can be altered. Their position will change if the Allied approach to the crisis presents in a credible manner possibilities of Western economic, political, and military counter-measures which will become progressively more disadvantageous to the bloc.

In the range of counter-measures available to the West those that seek to convey a United States readiness to engage in thermonuclear war over Berlin are among the least credible in the initial stages of the developing crisis. Indeed they could have certain negative and counter-productive consequences. Extreme and dramatic U.S. preparations or statements of military intent at this time are not likely to convince the Soviets that a genuine danger of general war exists. They are more likely to make the Soviet negotiating position more rigid and to arouse Soviet hopes of further eroding Western cohesion. Measures of this sort should be reserved for possible use at a later stage in the crisis when they could be of basic importance in implanting in the Soviets the necessary "reasonable doubt" that they would be safe in carrying out their announced intentions with regard to Berlin.

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Meanwhile a substantial range of other measures is available which could have a greater effect in persuading the bloc to modify its present approach to the Berlin problem.

The Proposal

The following is a sequence of United States and Western measures, of increasingly serious nature and scope, designed to make the Soviet leaders see an advantage in altering their policy toward Berlin. These measures would avoid overly increasing the political compulsions bearing on the Soviets to take an intransigent stance. They would at the same time avoid increasing pressures in the West for compromises contrary to the U. S. national interest.

Actions which the West, and in particular the United States, might take are divided into four time phases:

- 1 - the period between the present and the West German elections (September 17);
- 2 - the period between the West German elections and the possible signature by the Soviets of a peace treaty with East Germany;
- 3 - the period of time, if any, between the signature of a separate peace treaty and the raising of unacceptable demands with regard to Allied access to West Berlin;
- 4 - the period of time during which the bloc might be applying measures restricting Western access to West Berlin.

Phase 1: (From now to the West German elections)

1. Establishing an agreed Western political approach.

Begin negotiations with our allies at the highest levels to establish an agreed political approach, including a decision on the key question of whether or not the West will abide with a de facto recognition of the East German regime as a "temporary" situation pending the reunification of Germany.

2. Immediate and unobtrusive measures to increase military readiness:

Take action now

- a - to increase US and Western readiness to engage in a Berlin airlift,
- b - to improve US and Western capabilities to engage in limited conventional conflict growing out of a possible Western attempt

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- to reopen ground access to West Berlin,
- c - to mitigate certain US strategic vulnerabilities in the event of thermonuclear war.

For the US, these measures should include

- d - a redeployment of some US units to Europe as required to implement a and b above, such redeployment to be carried out on the minimum scale consistent with the attainment of these objectives,
- e - bringing troop units already in Europe up to full strength and to an improved state of readiness,
- f - preparation of existing dispersal sites for US strategic strike forces so that later in the year their vulnerabilities could be reduced on short notice to a minimum; maximum improvement of our capabilities for airborne alert and for dispersal of our strategic bomber force.

Action of a similar significance on the part of our Allies will be coordinated.

3 - Long-Range Defense Measures:

It is our judgment that the Soviet leaders would pay attention to concrete steps that will not increase our immediate strength but that signal shifts in our long-range military, diplomatic, and economic effort. Our judgment is that these shifts would have an effect on the Soviets from the outset of the programs. In their defense planning and production the Soviet leaders too must reckon with the problem of lead time.

Underlying the potential influence of US and other Western action in this field is the fact that the US Gross National Product is more than twice that of

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the Soviet Union and the economies of the US and the NATO powers taken together are close to three times those of the USSR and its Eastern satellites. A number of these Western economies, moreover, have significant slack.

The President's Second State of the Union Message calls for military and scientific measures which include

- a - increasing the firepower and mobility of the ground forces,
- b - improving the readiness of the reserve forces,
- c - increasing the strength of the Marine Corps,
- d - expanded efforts in the field of civil defense and space exploration.

These measures should be acted on by Congress now, and consideration be given to increasing somewhat the scale of some of the proposed military measures.

A relatively modest beginning of this sort avoids two dangers which might be involved in a more ambitious or flamboyant approach. First, it avoids that open and direct challenge to the Soviet leaders which might increase the political compulsion on them to persist in their announced intentions. Second, a modest beginning protects us from the charge that we were the ones who stepped up the arms race and increased the danger of thermonuclear war.

4 - Contingency Planning for Economic Retaliation:

Draw up concrete plans to show the Western European countries how they can organize themselves to bear the burden in the event that serious measures of economic retaliation against the bloc actually have to be undertaken later in the crisis.

5 - Preparatory Steps to Sustain West Berlin During a Crisis:

Take steps now to prevent adverse economic consequences in West Berlin during a crisis. Measures should be devised to prevent a flight of capital and lay-offs of workers that would result from a temporary inability to export.

Phase 2: (From West German elections to signing of a Soviet-GDR peace treaty)

After the West German elections the West surfaces its previously agreed political approach.

Assuming that the limited preparatory measures described in Phase 1 have been taken, the United States and the West will be in a position to take the political initiative:

1 - The President or the Secretary introduces at the United Nations on September 21 (the day the US normally addresses the General Assembly) an item, "The Berlin Question";

2 - He introduces into the General Assembly a resolution calling upon the four powers:

a - to take no action which would have the effect of derogating agreements in regard to Berlin unless mutually agreed among those concerned;

b - to initiate negotiations forthwith and to report to the Security Council on the results of these negotiations.

To increase the likelihood of securing broad support for this resolution as against unilateral abrogation of Allied rights by the Soviets, the US in the same statement puts forward a substantive proposal calling for an all-Berlin solution

under UN auspices, pending the reunification of Germany. This proposal includes very extensive guarantees of access rights by the bloc, as well as by other powers -- present access rights that derive from the surrender of Nazi Germany being not repealed but merely suspended for the duration of the UN's responsibility for Berlin.

Presumably the bloc would not accept this proposal, which would be intended only to demonstrate as clearly as possible Allied purposes with regard to Berlin. The US would make it crystal clear to the Allies that it did not intend to let the proposal be applied to West Berlin only.

This general US approach to the Berlin problem is designed to protract the crisis and to put the onus, as far as possible, for any progressive worsening of the crisis on the bloc. It is doubtful that the Soviet leaders would see their interests served by provoking a crisis over Berlin if they believed that the crisis would be prolonged and if they were not sure of obtaining a clear-cut gain on the Berlin and German questions. The consequences of a crisis would run counter to several important Soviet foreign policy aims, including their aims with regard to the underdeveloped world.

The West should maximize in advance the political costs of forceful action on Berlin to the Soviet position in the new countries of Asia and Africa. Recognizing the virtual inevitability of new negotiations and recognizing the emotional appeal of national self-determination in the new countries, the West will take the initiative in proposing new negotiations. The West will emphasize its willingness to negotiate, not only on its all-Berlin UN position, but also for a broader German settlement, emphasizing the positive goals of self-determination and the West's willingness to make all reasonable efforts for unification.

The US will launch a broad diplomatic and propaganda campaign showing that

the Soviet two-Germans position is designed further to divide East and West and would prevent self-determination in Germany. In this campaign we will assiduously circulate our views and proposals in the new countries and seek to obtain some form of UN affirmation of the goal of German unity and UN endorsement of a referendum in all Germany and all Berlin on this issue.

It is unlikely that the bloc would accept any of these particular proposals. The reaction of the Soviet leaders, however, to our political stance on the Berlin problem and to our concrete measures of the types outlined in Phase 1 might even at a fairly early stage lower their price for a negotiated settlement and affect their calculation of how far they could prudently proceed with unilateral action.

Negotiations. In the absence of prior action measures by the West and with the test of strength in its present stage, negotiations would be disastrous to us. Given prior measures of Western action, and evidence that these were being taken seriously by the Soviet leaders, negotiations could be considered even at a fairly early point.

The purposes of the West in such negotiations would vary, depending upon the bloc position at the time:

1 - One purpose would be to clarify Western intentions and purposes so as to obtain the broadest possible support for the Western position and maximize the political liabilities for the bloc of unilateral action.

2 - If the bloc were willing actually to negotiate with a broadened agenda that included the German question or general European security questions, another purpose would be to produce opportunities for delaying and muffling the crisis.

3 - Depending on bloc reactions to the concrete measures that we had already taken and to our apparent intentions, we might use negotiations to ascertain whether the Soviets would be willing in the final analysis to settle for a limited agreement

that specifically related to Berlin but had comparatively little substantive significance. If Khrushchev comes to believe that he has over-committed himself -- and this belief would be enhanced by the stipulated Western action -- he might be satisfied with an agreement which he could cite as "progress" but which would not be basically prejudicial to Western interests.

The minimum Soviet terms for a negotiated settlement will depend on the West's particular approach to negotiations as well as Moscow's estimate of the risks and liabilities it would incur through unilateral action. There are thus a number of possibilities, the reality of which can only be fully clarified in the course of negotiations.

If, for example, the West chooses to seek a limited interim agreement concerning Berlin, the Soviets -- given a high appreciation of Western resolve -- might accept a four-power agreement providing for (1) a freeze on troop levels in Berlin; (2) endorsement of separate statements by the West and the GDR pledging in some fashion to limit activities prejudicial to the other side in regard to Berlin; (3) renewal of negotiations after a set period -- say 1 1/2 to 3 years -- in exchange for maintenance of existing access procedures; and (4) no statement, one way or another, concerning Allied rights in Berlin.

The West might decide not to seek a limited interim agreement, and to concentrate instead on defusing the Berlin crisis by spinning out negotiations over an extended period. If so, the USSR might in the end agree to the formation of a standing four-power commission, without a specified terminal date, to consider the terms of a German settlement. The USSR would insist that the West agree to include advisors from the "two Germanies" and declare its willingness to consider simultaneously with unification the terms of a peace treaty with a unified Germany. Alternatively,

if the West wanted to expand the commission's terms of reference to include European security, the Soviets might agree, provided Poland and Czechoslovakia were included.

The USSR would not adhere to any formal agreement that limited the terms of a separate peace treaty it might choose to sign with the GDR. However, under certain circumstances, the Soviets might possibly accept an informal understanding with the West to include a provision in the separate treaty deferring implementation of the treaty provisions regarding Berlin for a set period, until an agreement on West Berlin's "free city" status was reached.

Phase 3: (From the signing of a treaty to interference with access)

If in advance of or despite negotiations, a separate peace treaty is signed, the United States announces the military readiness measures that it has taken to date.

The President calls on Congress to make further increases in the US longer-range defense efforts to the amount of an additional \$4 or \$5 billion over the increases made in Phase 1.

Increases in Allied and other NATO country defense budgets, previously agreed on, are announced.

If some period of time elapses between a collapse of negotiations and the signing of a Soviet-GDR peace treaty, the US and the West might conceivably wish to take some or all of the above actions prior to the conclusion of such a treaty, as part of Phase 2 above.

Phase 4: (Interference with Access to West Berlin)

The handling of the crisis itself:

At such time as the East Germans demand the observance of administrative

procedures unacceptable to the West with regard to access to West Berlin, the Allies temporarily cease to exercise their rights of ground access and utilize an air lift as an initial response. The advantages of this response are

1 - an air lift represents merely the continuation of activities that we are already performing,

2 - to take action against an air lift puts on the bloc the burden of (figuratively or literally) firing the first shot, thus, among other consequences, increasing the likelihood that UN action, which will be virtually inevitable, will be directed against the USSR.

3 - Use of an air lift permits development of a sequence of progressively more serious situations, for each of which we can plan responses designed to persuade the bloc to go no further -- responses, furthermore, which would have the best chances of being politically feasible in the West and hence of being credible to the bloc in advance as serious possibilities.

We assume that at the outset the bloc claims that it is merely requiring simple administrative procedures in regard to Allied military access and that it is in no way interfering with West German or West Berlin civilian access. If the bloc pursues active means of harassment or starts to impose limitations on German civilian access, further Western military readiness measures will be taken. The West will cancel credits to the bloc, and undertake severe measures of economic retaliation. The US could threaten a break in diplomatic relations with the USSR, and actually break relations, if necessary, at this point. This action would inspire widespread fear in the Soviet population.

If even at this stage the bloc does not seek some sort of political solution and goes on to the point where we choose to exercise our option of a substantial

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military ground effort, there will, of course, be danger of extended conflict. Even so, in the face of any such manifest bloc effort to seal off Berlin, the West may find itself with little alternative but sooner or later to exercise its option to re-open ground access. We must be fully prepared, both militarily and psychologically, to undertake this action and to cope with the worst conceivable developments which could follow.

We believe, however, that use of the wide range of measures of readiness, defense, and retaliation available to the West in the course of a drawn-out sequence of events such as we have described, can, in conjunction with diplomatic efforts, very probably persuade the bloc to switch its efforts onto some other track well before this point has been reached.

~~July 14, 1961.~~

July 15, 1961

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GEM

PEACE TREATY WITH THE FEDERAL UNION OF GERMANY

The United States of America, the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Australia, etc. (in connection with the problem of listing countries which might participate, see Annex A), designated hereafter as "the Allied and Associated States", on the one part, and the Federal Union of Germany, on the other part, being united in their determination to live together in peace and security, and

WHEREAS the Federal Union of Germany has based its governmental system upon respect for the rights of the human individual and the fundamental freedoms, including freedom of religion, of elections, of the press and publication, of public assembly, and equal treatment before the law, and

WHEREAS the Federal Union of Germany has made clear its intention to apply for membership in the United Nations, and, both at home and abroad, to be guided by the principles of the Charter of the United Nations, and

WHEREAS the Allied and Associated Powers, welcoming these declared intentions of the Federal Union of Germany, are desirous of resolving the problems which arose as a result of World War II, and which are still outstanding between the Allied and Associated Powers and Germany,

Have accordingly appointed the undersigned plenipotentiaries, who, after presentation of their full powers, signed in good and due form, have agreed as follows:

CHAPTER I

CHAPTER I

Peace

Article 1

The State of War between Germany and each of the Allied and Associated Powers is terminated, to the extent for which provision has not previously been made therefor, as from the date on which the present treaty comes into force between Germany and each of the Allied and Associated Powers concerned as provided for in Article ____.

Article 2

The Allied and Associated Powers recognize the full sovereignty of the German people over Germany and its territorial waters.

CHAPTER II

Territory

Article 3

1) The boundaries of Germany shall be those set forth and defined in the maps and descriptive materials attached to this Treaty as Annex I.

2) Germany renounces all right, title, and claim to territories formerly German or claimed as German and which are outside the boundaries of Germany as defined in Annex I.

Article 4

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Article 4

The pre-war external debts and obligations of public, corporate, and private persons and bodies, other than the German State, located in territory which formed part of Germany within its borders on December 31, 1937, but which territory is outside the boundaries of Germany as defined in Annex I, shall remain in full force and effect in accordance with the provisions of Annex II to the present treaty.

CHAPTER III

Political

Article 5

Germany shall have a democratic government based on elections by secret ballot in which all political parties shall be freely entitled to participate, and shall guarantee to all citizens free, equal and universal suffrage as well as the right to be elected to public office without discrimination as to race, sex, language, religion or political opinion.

Article 6

Germany recognizes the full force of the Treaties of Peace with Italy, Rumania, Bulgaria, Hungary, (Finland) and Japan, Germany recognizes also the arrangements made for terminating the former League of Nations and the Permanent Court of International Justice.

Article 7

Upon the entry into force of the present treaty the Allied and Associated States will support the application of Germany for membership in the United Nations.

Article 8

Article 8

(a) Pending its admission to membership in the United Nations, Germany agrees to conform to the principles of the Charter of the United Nations and accepts the obligations set forth in Article 2 of the Charter, and in particular the obligations

(i) to settle its international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;

(ii) to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations;

(iii) to give the United Nations every assistance in any action it takes in accordance with the Charter and to refrain from giving assistance to any State against which the United Nations may take preventive or enforcement action.

(b) The Allied and Associated Powers confirm that they will be guided by the principles of Article 2 of the Charter of the United Nations in their relations with Germany.

(c) The Allied and Associated Powers for their part recognize that Germany as a sovereign nation possesses the inherent right of individual or collective self-defense referred to in Article 51 of the Charter of the United Nations and that Germany may voluntarily enter into collective security arrangements (subject to the requirements laid down in Annex III to the present treaty regarding security arrangements.)

Article 9

(a) Agreements considered by the Federal Union of Germany to be political and military agreements, as well as arrangements subsidiary thereto, between the Federal Republic of Germany or the German Democratic

Republic

Republic on the one side and one or more of the Allied or Associated States on the other may be terminated by not less than one month's written notification by Germany at any time up to six months after the present treaty first enters into force.

(b) All other agreements to which the Federal Republic of Germany or the German Democratic Republic is a party on the one side, and one or more of the Allied or Associated States parties on the other side shall remain in force and be applicable to all Germany unless Germany or one of the other States party to the agreement requests, at any time up to six months after the present treaty first enters into force, renegotiation thereof on the ground that its provisions cannot be made applicable to all of Germany or are in conflict with the present treaty. In the event such renegotiation fails to result in a revised agreement between Germany and the other State or States parties thereto within a period of one year from the date of request for renegotiation, the agreement shall terminate at the end of that one-year period as regards relations between Germany, on the one hand, and the other contracting party or parties on the other hand.

(c) In the event of a conflict between an agreement entered into by the Federal Republic of Germany with one or more of the Allied and Associated States and one entered into by the German Democratic Republic with one or more such States, such conflict shall be resolved by negotiations between Germany and the State or States with which such conflicting agreements were made. If such conflicts cannot be resolved within one year from the commencement of such negotiations, Germany shall be free to

to consider either or both of the conflicting agreements as terminated at the end of that year.

Article 10

1) Subject to the provisions of paragraph 2 of this Article, each of the Allied and Associated States, at any time up to one year after the present treaty has come into force between it and Germany, shall notify Germany which of its pre-war bilateral treaties or agreements with Germany it wishes to continue in force or revive. Any treaties so notified shall continue in force or be revived subject to such amendments agreed between the parties as may be necessary to ensure conformity with the present treaty. All pre-war treaties and agreements as to which Germany is not notified as provided hereunder shall be regarded as abrogated unless the treaty or agreement has been previously continued in force or revived in respect of either the Federal Republic or the German Democratic Republic, in which case the provisions of the preceding Article shall be applicable.

2) If such State has entered into a treaty or agreement with the Federal Republic of Germany or the German Democratic Republic which specifically replaces a pre-war treaty or agreement, in whole or in part, such pre-war treaty or agreement shall not, to the extent replaced, continue in force or be revived, and the provisions of the preceding article shall be applicable.

Article 11

1) Germany accepts the judgments of the International Military Tribunal in Nuremberg (and of other Allied War Crimes Courts both within and without Germany).

2) Germany

2) Germany accepts responsibility for the custody, control and disposition of all persons, other than members of the Armed Forces of an Allied or Associated Power, now serving prison sentences in Germany, who were convicted by an Allied or Inter-Allied Tribunal in Germany.

Article 12

1) Germany will repatriate within 12 months after the coming into force of the present treaty those citizens of the Allied and Associated States presently within the territory of Germany as a result of the war who wish to return to their homelands.

2) Each Allied or Associated Power will repatriate within 12 months after the coming into force of the present treaty those German citizens presently within its territory as a result of the war including all German scientists and specialists transferred to an Allied or Associated State whether with or without compulsion, who wish to return to Germany.

3) In the event any question arises respecting the willingness of any citizen to be repatriated, a representative appointed by the Secretary General of the United Nations shall be afforded free and unimpeded access to such citizen to determine the question. Such representative shall, if he determines the citizen wishes to be repatriated, be empowered to make immediate arrangements for the departure of such citizen to his homeland.

Article 13

1) Germany undertakes to respect, preserve and maintain the graves on German territory of the soldiers, prisoners of war and nationals forcibly brought to Germany of the Allied Powers as well as of the other United Nations which were at war with Germany, and the memorials and emblems on these graves.

2. The

2) The Government of Germany shall recognize any commission, delegation or other organization authorized by the State concerned to identify, list, maintain or regulate the graves, memorials and emblems referred to in paragraph 1; shall facilitate the work of such organization; and shall conclude in respect of the above-mentioned graves, memorials, and emblems such agreements as may prove necessary with the State concerned or with any commission or delegation or other organization authorized by it. It likewise agrees to render, in conformity with reasonable sanitary requirements, every facility for the disinterment and despatch to their own country of the remains buried in the said graves, whether at the request of the official organizations of the State concerned or at the request of the relatives of the persons interred.

3) Each of the Allied and Associated Powers will see to the proper care and maintenance of the graves of German soldiers in its metropolitan territory and will facilitate the activities of organizations serving that purpose.

CHAPTER IV

Austria

Article 14

1) Germany recognizes the full validity of the State Treaty concerning the Restoration of an Independent and Democratic Austria of May 15, 1955 and the prohibition of Anschluss contained in it.

2) In accordance with this recognition Germany will respect the sovereignty and independence of Austria and renounces all territorial and political claims in connection with Austria and Austrian territory.

Article 15

Article 15

Germany undertakes to facilitate transit and communication without customs duties or charges between Salzburg and Lofer (Salzburg) across the Reichenhall-Steirgpass and between Sehmritz (Tyrol) and Ehrwald (Tyrol) via Garmsisch-Partenkirchen).

(See Annex B)

CHAPTER V

Claims and Property Interests

Article 16

The Allied and Associated States renounce and waive all claims to reparation from Germany to the extent that such claims have not already been satisfied.

Article 17

a) Germany waives all claims of Germany and of its nationals against the Allied and Associated States and their nationals arising out of the war or out of actions taken because of the existence of the state of war and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied or Associated States in German territory during the period when such states were acting in the capacity of occupying powers.

b) The foregoing waiver includes any claims arising out of actions taken by any of the Allied or Associated States with respect to German external assets regardless of where located, as well as any claims and debts arising in respect of German prisoners of war and civilian internees in the hands of the Allied and Associated States, but does not include

German

German claims specifically recognized in the laws of any of the Allied and Associated States enacted since May 8, 1945.

c) Germany recognizes and confirms the actions which have been taken with respect to German external assets in Portugal, Spain, Sweden, and Switzerland.

d) Germany recognizes and confirms the provisions with respect to German external assets and claims contained in the peace treaties with Italy, Rumania, Bulgaria, Hungary, (Finland), and Japan.

Article 18

In so far as such action has not already been taken, the Federal Union of Germany will take all steps necessary to ensure that the Allied and Associated States, their nationals, successors of such nationals, and companies organized under German law and in which such nationals own participation shall be able to secure the return of their property in its present condition, and the restoration of their rights and interests in Germany to the extent to which such property rights or interests suffered discriminatory treatment. Such property rights and interests shall be free from all encumbrances and charges of any kind to which they may have been subject due to discriminatory treatment. No costs shall be imposed either in connection with the return or restoration or with the removal of encumbrances or charges. If, due to the length of time which has elapsed since the termination of hostilities, such property rights or interests cannot be returned without causing undue hardship, Germany may, in lieu of such return, pay compensation therefor on the basis of the current market value of such property right or interest.

Article 19

SECRET

Article 19

Any national of an Allied or Associated State, or the successor of such a national, who is likewise such a national, shall have the right to institute, within one year from the entry into force of the present agreement as between Germany and the State of which he is a national, an action for the revision of any judgment delivered by a German court between September 1, 1939 and May 8, 1945 in any proceeding in which such national was a party and was unable to make adequate presentation of his case.

Article 20

a) The Federal Union affirms that under German law the existence of a state of war shall not in itself be regarded as affecting obligations to pay pecuniary debts arising out of obligations and contracts (including those in respect of bonds) which existed, and rights that were acquired, before the commencement of the state of war.

b) The intervention of a state of war shall in itself not be regarded as affecting the obligation to consider on their merits claims for loss or damage to property, for personal injury, or debts that arose before the existence of a state of war.

CHAPTER V

Economic

Article 21

Subject to the provisions of Articles 9 and 10, Germany declares its readiness promptly to enter into negotiations for the conclusion with each of the Allied and Associated States of treaties or agreements to place

their trade, maritime and other commercial relations on a stable and friendly basis.

Article 22

Subject to the provisions of Articles 9 and 10, Germany shall enter into negotiations with any of the Allied or Associated States, promptly upon the request of such State or States, for the conclusion of bilateral or multilateral agreements relating to international civil air transport.

CHAPTER VI

Settlement of Disputes

Article 23

If in the opinion of any Party to the present Treaty there has arisen a dispute concerning the interpretation or execution of this Treaty, which is not settled by reference to a special claims tribunal or by other agreed means, the dispute shall, at the request of any party thereto, be referred for decision to the International Court of Justice. Germany and those Allied and Associated States which are not already parties to the Statute of the International Court of Justice will deposit with the Registrar of the Court, at the time of their respective ratifications of the present Treaty, and in conformity with the resolution of the United Nations Security Council, dated October 15, 1946, a general declaration accepting the jurisdiction, without special agreement, of the Court generally in respect to all disputes of the character referred to in this Article.

CHAPTER VII

CHAPTER VII

Final Clauses

Article 24

a) The present treaty shall be ratified by the States which sign it, including Germany, and will come into force for all the States which have then ratified it, when instruments of ratification have been deposited by Germany and by the United States, United Kingdom, U.S.S.R., and France, as the principal occupying Powers, and by a majority of the following States, namely, Australia, Belgium, Brazil, Canada, Czechoslovakia, Greece, Italy, Mexico, the Netherlands, New Zealand, Norway, Poland, and Yugoslavia.

b) The present treaty shall come into force for each State which subsequently ratifies it on the date of the deposit of its ratification.

Article 25

All instruments of ratification shall be deposited with the

which will notify all the signatory States of each such deposit, of the date of the coming into force of the treaty under paragraph a) of
Article .

Article 26

The present treaty shall be deposited in the archives of the

which shall furnish each signatory State with a certified copy thereof.

Drafted in 1.
January 24, 1959

Being governed by the desire to carry out under existing conditions the basic provisions, contained in the documents of the anti-Hitler coalition and in particular in the Potsdam Agreement;

Considering, that the absence of a peace settlement does not permit the assurance of a just reward for the legitimate national interests of the German people and to a considerable extent contributes to a strengthening of tension and instability in Europe;

Being united in their intention to finally draw a line under the war which was unleashed by Hitler's Germany and which brought incalculable calamities and suffering to many peoples, including the German people;

Recognizing that during the years which have passed since the cessation of hostilities, the German people has demonstrated in many ways that it condemns the crimes, which were committed against the people of Europe as a result of the aggression unleashed by German militarism;

Firmly resolved not to permit Germany to threaten its neighbors or other states and unleash a new war at any time again;

Wishing to secure for Germany the possibility of peaceful and democratic development and its fruitful cooperation with other states as an equal member of the family of nations;

Being governed by the desire to carry out under existing conditions the basic provisions of the agreements entered into by the anti-Hitler coalition;

Considering that the absence of a peace settlement does not permit the assurance of a just regard for the legitimate national interests of the German people and to a considerable extent contributes to a strengthening of tension and instability in Europe;

Being united in their intention to finally draw a line under the war which was unleashed by Hitler's Germany and which brought incalculable calamities and suffering to many peoples, including the German people;

Recognizing that during the years which have passed since the cessation of hostilities, the German people has demonstrated in many ways that it condemns the crimes which were committed against the people of Europe as a result of the aggression unleashed by German militarism;

Firmly resolved through the conclusion of the peace treaty to obtain adequate assurances against a revival of aggressive militarism;

Wishing to secure for Germany the possibility of peaceful and democratic development and its fruitful cooperation with other states as an equal member of the family of nations;

Convinced that the conclusion of the peace treaty will have exceptionally important significance for guaranteeing security in Europe and strengthening peace throughout the world;

Considering, that the conclusion of a peace treaty with Germany is a necessary and important step in the direction of the restoration of the national unity of Germany;

Have decided to conclude the present peace treaty and with this objective have designated the undersigned as their plenipotentiary representatives, who, after the presentation of their full powers, which have been found to be in complete order and proper form, have agreed to the following provisions:

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Part I

Political and Territorial Provisions

Peace and Peaceful Relations

Article 1

The Allied and Associated Powers, on the one part,
and Germany, on the other, state and affirm the
existence of a state of war and the establishment
of peaceful relations between themselves, according
with Article 1 of the political and territorial agree-
ment concluded from this date and from the
moment of the entry into force of the Declaration
in respect of each of the Allied and Associated
Powers.

Article 2

Pursuing the unification of Germany in one or
another form the expression "Germany" in the
present Treaty will be understood to include the
two existing German states - the German Democratic
Republic and the Federal Republic of Germany, and
all the rights and obligations of Germany, German
in the Treaty, will relate to the German Democratic
Republic, as well as to the Federal Republic of
Germany.

Article 3

The Allied and Associated States recognize the
full sovereignty of the German people over Germany,
including its territorial waters and air zone.

The Allied and Associated Powers, on the one part,
and Germany, on the other, state and affirm the
existence of a state of war and the establishment
of peaceful relations between themselves.

Germany shall be restored as a unified State. The
division of Germany shall end and a unified Germany
shall be given the opportunity to develop as an
independent, democratic and peace-loving State.
[Source - Soviet Treaty Proposal of 1952.]

The Allied and Associated States recognize the full
sovereignty of the German people over Germany,
including its territorial waters and air zone.

Part I

General and Fundamental Provisions

General and Fundamental Provisions

Article 1

The United States and Germany, in the past, have been friendly and have been united in the struggle for the maintenance of the peace and the well-being of the world. The United States and Germany have been united in the struggle for the maintenance of the peace and the well-being of the world. The United States and Germany have been united in the struggle for the maintenance of the peace and the well-being of the world.

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Article 2

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Germany shall be restored to a united state. The division of Germany shall end and a unified Germany shall be given the opportunity to develop as an independent, democratic and peace-loving state. (Source: Soviet Treaty Proposal of 1954)

Article 3

The United States and Germany, in the past, have been friendly and have been united in the struggle for the maintenance of the peace and the well-being of the world. The United States and Germany have been united in the struggle for the maintenance of the peace and the well-being of the world. The United States and Germany have been united in the struggle for the maintenance of the peace and the well-being of the world.

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Article 5

2. The Allied and Associated Powers will respect the obligation of Germany mentioned in Point 1, and will refrain from any actions in relations with Germany, which would entail a direct violation by it of this obligation.

3. The Allied and Associated Powers will do everything necessary so that Germany can participate on an equal basis in economic, financial, scientific, cultural, technical, commercial, industrial, scientific and the establishment of a system of security in Europe, founded on the joint efforts of the European states.

4. When the present treaty goes into force, Germany will be considered as having accepted the obligations provided for in the North Atlantic Alliance and the West European Union.

2. The Allied and Associated Powers will respect the obligation of Germany mentioned in Point 1, and will refrain from any actions in relations with Germany, which would entail a direct violation by it of this obligation.

3. The Allied and Associated Powers will facilitate the participation by Germany on an equal basis in economic, financial, scientific, cultural, technical, commercial, industrial, scientific and the establishment of a system of security in Europe, founded on the joint efforts of the European states.

4. When the present treaty goes into force, Germany will be considered as having accepted the obligations of the treaty or arrangement mentioned in the provisions of paragraph 1 of this article.

Article 6

Germany recognizes the full validity of the peace treaties with Bulgaria, Hungary, Italy, Rumania and Finland.

Germany recognizes the full validity of the peace treaties with Bulgaria, Hungary, Italy, Rumania and Finland.

Article 7

After the present treaty goes into force the Allied and Associated Powers will support the application of Germany for acceptance as a member of the Organization of the United Nations.

After the present treaty goes into force the Allied and Associated Powers will support the application of Germany for acceptance as a member of the Organization of the United Nations.

Part II

Borders

Article 5

The borders of Germany will be as they existed on January 1, 1959. The borders of Germany are shown on the map attached to the present treaty (Annex No. 1).

During the unification of Germany into one state, the territories of the German Democratic Republic and the Federal Republic of Germany are delimited by the line existing on January 1, 1959 as is shown on the map attached to the treaty (Annex No. 1).

Article 9

In compliance with the Potsdam Agreement of 1945:

1) Germany renounces all rights, legal grounds (pravoosnovani) and claims to the former German territories to the west of the line proceeding from the Baltic Sea slightly west of Swinemünde and from there by the Oder River to the estuary into the Western Bight and by the Western Bight to the Czechoslovakian border, including the territory of the former East Prussia as well as on the territory of the former City of Danzig which has passed under the sovereignty of the Polish People's Republic which (sovereignty) Germany recognizes.

2) Germany renounces all rights, legal grounds and claims to the former City of Gdansk and the district belonging to it which have passed under the sovereignty of the USSR which (sovereignty) Germany recognizes.

The borders of Germany are shown on the map attached to the present treaty (Annex No. 1).

Germany renounces all rights, legal grounds (pravoosnovani) and claims to all territory not included within the borders of Germany as shown on the map attached to the present treaty.

Article 10

Germany recognizes the invalidity of the Munich Agreement with all the consequences flowing from it and declares that it will forever recognize the territory of the former so-called Sudeten region as the inalienable constituent part of the territory of the Czechoslovak Republic.

Germany recognizes the invalidity of the Munich Agreement with all the consequences flowing from it and declares that it will forever recognize the territory of the former so-called Sudeten region as the inalienable constituent part of the territory of the Czechoslovak Republic.

Article 11

Germany recognizes that the territory of Alsace-Lorraine is a constituent part of the French Republic.

Germany recognizes that the territory of Alsace-Lorraine is a constituent part of the French Republic.

The Saar District forms a part of the territory of Germany.

The Saar District forms a part of the territory of Germany.

Article 12

Germany confirms and recognizes the changes and delimitations of its borders carried out according to the agreements concluded with its neighbor states in the period from May 1945 to January 1, 1950.

Germany confirms and recognizes the changes and delimitations of its borders carried out according to the agreements concluded with its neighbor states in the period from May 1945 to the coming into force of the present treaty, and subject to the provisions of Article 5.

Part III

Germany and Austria

Article 13

1. Germany recognizes the full validity of the State Treaty concerning the restoration of an independent and democratic Austria of May 15, 1955 and the prohibition of Anschluss contained in it.

1. Germany recognizes the full validity of the State Treaty concerning the restoration of an independent and democratic Austria of May 15, 1955 and the prohibition of Anschluss contained in it.

Article 13

2. In accordance with this Germany will respect the sovereignty and independence of Austria and recognize all territorial and political claims in connection with Austria and Austrian territory.

3. Germany recognizes and obligates itself to respect the permanent neutrality of Austria in the form in which it was defined by the Federal Constitutional Law of Austria adopted by the Austrian Parliament on October 26, 1955.

4. For the purpose of preventing the threat of war, a political or economic union between Germany and Austria is forbidden. Germany fully recognizes its responsibility in this question and will not enter into a political or economic union with Austria in any form whatsoever.

Germany must not conclude any agreement whatsoever with Austria, undertake any actions or omissions through any measure which directly or indirectly may promote the political or economic union with Austria, or in any way cause injury to the territorial integrity, political independence or economic independence of Austria.

Germany further obligates itself not to permit on its territory any actions which directly or indirectly may promote such a union and it must prevent the existence, revival and activity of any organizations having as their goal the political or economic union with Austria and analogous promoting union with Austria.

2. In accordance with this Germany will respect the sovereignty and independence of Austria and recognize all territorial and political claims in connection with Austria and Austrian territory.

3. Germany recognizes and obligates itself to respect the permanent neutrality of Austria in the form in which it was defined by the Federal Constitutional Law of Austria adopted by the Austrian Parliament on October 26, 1955.

4. For the purpose of preventing the threat of war, a bi-lateral political or economic union between Germany and Austria is forbidden. Germany fully recognizes its responsibility in this question and will not enter into a bi-lateral political or economic union with Austria in any form whatsoever.

Germany must not conclude any bilateral agreement whatsoever with Austria, undertake any actions or omissions through any measure which directly or indirectly may promote the political or economic union with Austria, or in any way cause injury to the territorial integrity, political independence or economic independence of Austria.

Germany further obligates itself not to permit on its territory any unilateral or indirectly promoted actions which directly or indirectly may promote such a union and it must prevent the existence, revival and activity of any organizations having as their goal a unilateral political or economic union with Austria and analogous promoting union with Austria.

Part IV

The Fundamental Rights and Freedoms of the Individual

Article 14

1. Germany obligates itself to undertake all measures necessary to guarantee that all persons living under German jurisdiction without regard to race, sex, language, religion, nationality, origin or political conviction should enjoy the rights of the individual and the Fundamental Freedoms including personal freedom, freedom of movement, of the press and publication, of religious belief, of political views, of association and public assembly.

2. Germany also guarantees that the law in force on the territory either in relation to their content or their enforcement should not institute discrimination or special discrimination for persons of German citizenship on the basis of their race, sex, language, religion, nationality, origin, political convictions, or party membership, as well as that relating to their person, property, occupation, professional or financial interests, status, political or citizenship rights as well as any other questions.

3. Party membership of any person, who is a German citizen, in the National Socialist Party or in organizations affiliated with it or under its control cannot be the basis for a limitation of the rights and freedoms provided for in paragraph 1 of this article. It may limit in rights to the acquisition of land and property.

1. Germany obligates itself to undertake all measures necessary to guarantee democratic rights to the German people, so that all persons under German jurisdiction without distinction as to race, sex, language or religion, sex and any human rights and basic freedoms, including freedom of opinion, press, religious belief, political convictions, and assembly. *German - Soviet Protocol of 1940*

2. Germany also guarantees that the law in force in Germany either in relation to their content or their enforcement should not constitute discrimination or special discrimination for persons of German citizenship on the basis of their race, sex, language, religion, nationality, origin, political convictions, or party membership, as well as that relating to their person, property, occupation, professional or financial interests, status, political or citizenship rights.

3. Party membership of any person, who is a German citizen, in the National Socialist Party or in organizations affiliated with it or under its control cannot be the basis for a limitation of the rights and freedoms provided for in paragraph 1 of this article. It may limit in rights to the acquisition of land and property.

Article 14

<p>1. Persons of German nationality residing in Germany : from other countries in accordance with the Decisions of the Potsdam Conference of 1945 enjoy on the territory of Germany all the rights mentioned above in paragraph 1 without any discrimination whatsoever as equal German citizens.</p>	<p>1. Persons of German nationality residing in Germany enjoy on the territory of Germany all the rights mentioned above in paragraph 1 of this article without any discrimination whatsoever as equal German citizens.</p>
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Article 15

<p>Any persecution or oppression of any person motivated by German activities or attitudes is forbidden on the basis that in the period of the Second World War such persons performed actions in favor of the Allied and Associated Powers or expressed sympathy for their cause, or equally on the basis that in the period before the entrance into force of the present Treaty such persons committed acts designed to ease the ful- fillment of the common decisions of the USSR, the United States and France concerning Germany or any other provisions, laws, decrees or instructions issued on the basis of these decisions.</p>	<p>Any persecution or oppression of any person motivated by German activities or attitudes is forbidden on the basis that in the period of the Second World War such persons rendered services in favor of the Allied and Associated Powers or expressed sympathy for their cause, or equally on the basis that in the period before the entrance into force of the present Treaty such persons committed acts designed to ease the fulfillment of the common decisions of the USSR, the United States and France concerning Germany or any other provisions, laws, decrees or instructions issued on the basis of these decisions.</p>
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Part V

Political Parties or Other Organizations

Article 16

<p>Germany guarantees the free activities of political parties or other organizations with the exception of parties or organizations prohibited for its Articles 13, 17 and 18, with the exception to those of the right (equal) to strike (under internal affairs), or unions socialist and communist and to use the freedom of the press and publication.</p>	<p>Germany guarantees the free activities of political parties or other organizations with the exception of parties or organizations prohibited for its Articles 13, 17 and 18, with the exception to those of the right (equal) to strike their internal affairs, to conduct meetings and assemblies or to use the freedom of the press and publication.</p>
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Article 20

strengthening the threat to peace, violation of peace or act of aggression, including war propaganda and also any form of revengeful move demanding a revision of the borders of Germany, or asserting territorial claims against other countries.

capable of creating or strengthening the threat to peace, violation of peace or act of aggression, including war propaganda and also any form of revengeful move demanding a revision of the borders of Germany, or asserting territorial claims against other countries.

Article 21

1. Germany will render every kind of assistance in the repatriation to their homelands of citizens of the Allied and Associated Powers who found themselves on the territory of Germany as a result of the war.

2. On their part, the Allied and Associated Powers in those cases where this has not already been accomplished will render the same assistance in the repatriation to Germany of German citizens who found themselves on the territory of Allied and Associated Powers as a result of the war.

3. The Allied Powers delegate themselves the right as this has not already been accomplished by them, in the course of six months after the entry into force of the present treaty, to return to Germany all German specialists removed or employed during the war and after the end of the war. The conditions of this article do not extend to those persons who left Germany by their own desire.

1. Germany will render every kind of assistance in the voluntary repatriation to their homelands of citizens of the Allied and Associated Powers who found themselves on the territory of Germany as a result of the war.

2. On their part, the Allied and Associated Powers in those cases where this has not already been accomplished will render the same assistance in the voluntary repatriation to Germany of German citizens who found themselves on the territory of Allied and Associated Powers as a result of the war.

3. The Allied Powers delegate themselves the right as this has not already been accomplished by them, in the course of six months after the entry into force of the present treaty, to return to Germany all German specialists removed or employed during the war and after the war who wish to return. The conditions of this article do not extend to those persons who left Germany by their own desire.

Part I

Provisions Relating to the Re-Establishment
of the Unity of Germany

Article 22

The Allied and Associated Powers acknowledge the
right of the German people to the re-establishment
of the unity of Germany and express readiness to
render to both German states every assistance in the
achievement of this aim on the basis of a understand-
ing and of understanding between the German Demo-
cratic Republic and the Federal Republic of Germany.
Both German Governments equally as well as the Allied
and Associated Powers regard the present treaty as
an important contribution to the matter of the uni-
fication of Germany in accordance with the national
aspirations of the German people and also with the
interests of the peacekeeping of security in Europe
and in the entire world.

[This provision was moved to Preamble]

Article 23

Considering that any attempt to solve the question of
the unification of Germany with the help of force
would be fraught with the danger of a outbreak of
war involving countless thousands for the peoples of
Europe and first of all for the German people them-
selves, the German Democratic Republic and the
Federal Republic of Germany solemnly take upon them-
selves the obligation never to resort to force or to
the threat of the use of force for the achievement of
the unification of Germany and will decide by peace-
ful means any disputes which can arise in relation
ships between them.

Germany solemnly takes upon itself the obligation
never to resort to force except in self-defense
or in the threat of the use of force and will
resolve by peaceful means any disputes which can
arise.

Article 24

After the reestablishment of the unity of Germany, the present treaty remains in force and its provisions will extend to the unified German state.

The provisions of the present treaty extend throughout the territory of Germany as established in Article 8 hereof.

Article 25

Until the reestablishment of the unity of Germany and the creation of a unified German state, West Berlin will be in the position of a de-militarized free city on the basis of its own special statute.

Berlin is the capital of Germany.

Part 3

Military Provisions

Article 26

Germany will have its own national armed forces (land, air, and naval) necessary for guaranteeing the defense of the country.

Germany will have its own national armed forces (land, air, and naval) necessary for guaranteeing the defense of the country.

Article 27

Service in the German armed forces will not be permitted:

Service in the German armed forces will not be permitted:

(a) To individuals concerned by courts of conviction in a state of war with Germany or by German courts for crimes against the peace, and against humanity, and for military crimes.

(A) To individuals condemned by courts of conviction in a state of war with Germany or by German courts for crimes against the peace, and against humanity, and for military crimes.

(b) Individuals not having German citizenship; and

(B) Individuals not having German citizenship; and

(c) Individuals not of German nationality who found themselves on the territory of Germany in the course of and after the end of the war, regardless of whether or not as a result of this German citizenship was acquired.

(C) Individuals not of German nationality who found themselves in the territory of Germany in the course of and after the end of World War II, regardless of whether or not as a result of this German citizenship was acquired.

Article 28

Germany must not possess, produce, acquire, or export with (A) any types of nuclear armament and other means of mass destruction, including biological and chemical; (B) any types of rockets and guided missiles and also apparatus and installations connected with their launching or guidance; (C) airplanes designed basically as bombers with apparatus for the carrying of bombs and missiles; (D) submarines, unless general agreement on the armament of such weapons is not reached within 2 years from the effective date of the present treaty.

Article 29

Germany must not possess, produce, or acquire either in a state or in a private manner or in any other way military materials and technology or maintain productive capacities for their preparation in excess of that which is demanded for the maintenance of the military forces permitted by Article 26 of the present treaty, and also to export from the territory of Germany to other countries any military materials and technology.

Article 30

All foreign troops in Germany must be withdrawn from Germany not later than within one year from the date of entry into force of the present treaty (or: after the entry into force of the present treaty, all foreign troops in Germany must be withdrawn from Germany in periods which will be agreed on between the interested parties, along with which during the six months from the moment of the entry into force of the treaty, the numbers of foreign troops stationed

All the armed forces of the Occupying Powers shall be simultaneously withdrawn from Germany, as mutually agreed, not later than 1 year after the date of the coming into force of the present treaty, subject to any arrangements made by Germany in the exercise of its inherent right of self defense. [Source - Soviet Treaty Proposal of 1954 as revised.]

Article 20 (continued)

Simultaneously with the withdrawal of foreign troops from Germany all foreign military bases on the territory of Germany must be liquidated.

In the future, Germany will not allow the placing of any foreign armed forces and foreign military bases on the territory.

Simultaneously with the withdrawal of foreign troops from Germany all foreign military bases on the territory of Germany must be liquidated.

In the future, Germany will not allow the placing of any foreign armed forces and foreign military bases on the territory.

Article 21

Germany obligates itself to research, protect, and maintain on German territory the graves of military personnel, prisoners of war, and civilians of power in a state of war with Germany who were forcibly transported into Germany, the institutions and symbols on these graves, and, equally, the monuments of the military glory of the armies which fought against Hitlerite Germany.

The Allied and Associated Powers will, for their part, assume the care of the graves buried on their territories of the military personnel of Germany.

Germany obligates itself to research, protect, and maintain on German territory the graves of military personnel, prisoners of war, and civilians of power in a state of war with Germany who were forcibly transported into Germany, the institutions and symbols on these graves, and, equally, the monuments of the military glory of the armies which fought against Hitlerite Germany.

The Allied and Associated Powers will, for their part, assume the care of the graves buried on their territories of the military personnel of Germany.

Part 4

Economic Provisions

Article 22

No limitations are imposed on Germany in the development of its peace economy which should serve the growth of the well-being of the German people.

No limitations are imposed on Germany in the development of its peace economy which should serve the growth of the well-being of the German people.

Article 30 (continued)

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Germany will also not have any limitations in regard to trade with other countries, in navigation, (and) in access to world markets.

Germany will also not be discriminated against in regard to trade with other countries, in navigation, (and) in access to world markets.

Article 31

After the withdrawal of foreign troops from the territory of Germany, any German property which the armed forces of the foreign states on the territory of Germany have been using and for which compensation has not been given must be returned to the owners or suitable compensation be given for it.

After the withdrawal of foreign troops from the territory of Germany, any German property which the armed forces of the foreign states on the territory of Germany have been using and for which compensation has not been given must be returned to the owners or suitable compensation be given for it.

Article 32

1. Germany, in those cases where this has not yet been done, will restore the lawful rights and interests of the Allied and Associated Powers and their citizens in Germany as they existed on Sept. 1, 1939, and for the Czechoslovak Republic and its citizens, on September 30, 1938, and will return the property of the Allied and Associated Powers and their citizens or will give compensation. The rules and conditions of the realization of the clauses of the present article will be determined by special agreements between Germany and the interested states.

The expression "property" means movable or immovable property, material or non-material, including industrial, literary, and artistic property, and also rights and interests of all kinds in property.

2. The existence of a state of war will not in itself be considered a factor influencing the obligation to pay off monetary debts flowing from obligations and contracts which existed before the arising of a state of war.

1. Germany, in those cases where this has not yet been done, will restore the lawful rights and interests of the Allied and Associated Powers and their citizens in Germany as they existed on Sept. 1, 1939, and for the Czechoslovak Republic and its citizens, on September 30, 1938, and will return the property of the Allied and Associated Powers and their citizens or will give compensation. The rules and conditions of the realization of the clauses of the present article will be determined by special agreements between Germany and the interested states.

[No change]

[No change]

Article 3⁴ (continued)

3. Germany takes the obligation on itself not to permit any discrimination in regard to the satisfaction of claims for compensation for Germany towards citizens of the Allied and Associated Powers, regardless of the character of the compensation due, and also of the organization or institution meeting the claim.

[no change]

Article 35

Germany recognizes the rights of any Allied and Associated Power to German foreign assets transferred to that power by virtue of agreements between the USSR, USA, United Kingdom, and France.

[no change]

Germany recognizes the provisions regarding German foreign assets in Austria contained in the State Treaty for the Restoration of an Independent and Democratic Austria.

[no change]

Article 36

1. Germany renounces in the name or in the name of German organizations and citizens all claims of any character against the Allied and Associated Powers, their organizations and citizens, connected directly with the war or flowing from measures undertaken by virtue of the existence of war in Europe after September 1, 1939, regardless of whether the Allied and Associated Power concerned was at that time in a state of war with Germany or not. This renunciation of claims includes, in particular, the following:

[no change]

Article VI (continued)

a) Claims in respect to losses or damage inflicted as the result of the actions of the armed forces or authorities of the Allied and Associated Powers;

[to change]

b) Claims flowing from the presence, operations, or actions of the armed forces or the authorities of the Allied and Associated Powers on German territory;

[to change]

c) Claims in regard to decisions or orders of the prize courts of the Allied and Associated Powers, along with which German consignees as effective and binding all the decisions and orders of such courts issued after September 1, 1939 regarding German maritime and river vessels or German consignees or persons of objects;

[to change]

d) Claims flowing from the implementation of the claims of the winning party or from measures adopted with the aim of implementing those rights.

[to change]

2. The recognition by Germany of claims in accordance with paragraph one of the present article includes any claims flowing from measures adopted by any of the Allied and Associated Powers in regard to German maritime and river vessels after September 1, 1939, and also any claims and debts flowing from international conventions in force concerning prisoners of war.

[to change]

3. The provisions of the present article shall fully and finally exclude all claims of the character noted above which will be acknowledged hereafter regardless of who is the interested party. The Government of Germany agreed to pay not fair compensation in marks to persons who gave supplies or services on requisition to the armed forces of the Allied and Associated Powers on German territory;

[to change]

Article 36 (continued)

and also for the satisfaction of claims which have
arisen on German territory for non-military damages
presented to the armed forces of the Allied and
Associated Powers.

Article 37

Germany renounces all claims of a state character,
claims of public German juridical persons, claims of
German private juridical persons, and of German
citizens connected with the territories which have
been returned to other states and which have been
transferred to their sovereignty.

Germany renounces all claims of a state character,
claims of public German juridical persons, claims
of German private juridical persons, and of German
citizens connected with territory outside the
boundaries of Germany as established by Article 8 of
the present treaty.

Article 38

The states to which has passed sovereignty over part
of the former territory of Germany do not bear
responsibility for the obligations arising from the
acts of the German state, of German municipalities,
and of German public institutions, and for other
public-legal and private-legal questions which arose
before May 8, 1945 and which are connected with this
territory.

Obligations arising from the acts of the German
state, of German municipalities, and of German
public institutions, and for other public-legal
and private-legal questions which arose before
May 8, 1945 which are connected with territory
which is not included within the boundaries of Germany
as established by Article 8 of the present treaty
do not constitute obligations of the state in which
such territory is located, unless as a result of
that transfer.

Article 39

1. Germany agrees to enter into negotiations with
any Allied and Associated Power and to conclude
treaties or agreements on trade and navigation after
having given to each Allied and Associated Power, on
the basis of reciprocity, the conditions of the most
favored nation.

[No change]

Article 39 (continued)

2. Germany will not permit discrimination and artificial limitations in any matter that concerns its trade with the Allied and Associated Powers. On their part, the Allied and Associated Powers will adhere to the same principle in trade with Germany.

3. Germany will not grant any exceptional or discriminatory rights to any country whatsoever in regard to the use within the limits of its boundaries of commercial aircraft in international transport; it will grant the Allied and Associated Powers, on the basis of reciprocity, equal opportunities for obtaining rights on German territory in the field of international commercial aviation, including the right of landing for fueling and repair. These provisions must not affect the interests of the national airlines of Germany.

3. Germany will not permit discrimination in any matter that concerns its trade with the Allied and Associated Powers. On their part, the Allied and Associated Powers will adhere to the same principle in trade with Germany.

[No change]

Article 40

Germany obligates itself to grant Austria the right of unhindered transit and communication without the collection of customs duties and taxes between Salzburg and Innsbruck (Tyrol) via Reichenhall-Steinbach and between Innsbruck (Tyrol) and Berlin (Prussia) via Garmisch-Partenkirchen.

[No change]

Part 2

Reparation and Satisfaction

Article 41

The question of the payment by Germany of reparation in connection with the injury done by it to the Allied and Associated Powers during the war is :

[No change]

Article 41 (continued)

considered to be settled in full and the Allied
and Associated Powers renounce any claims against
Germany in relation to the further payment of
reparations.

Article 42

Germany, in those cases where it has not yet done
so, obligates itself to return, in proper safe
keeping, identified objects having artistic,
historic, or archaeological value which constitute
part of the cultural property of the Allied and
Associated Powers and which were removed from their
territory to Germany by force or by compulsion.

Measures concerning the restitution of the said
articles can be provided in the course of special
agreements from the entry into force of the present
treaty.

Germany will transmit also to those states to whom
were returned or under the sovereignty of which
passed parts of former territories of Germany all
historical, judicial, administrative and technical
archives together with maps and plans relating to
those territories.

[No change]

[No change]

Historical, Judicial, Administrative and Technical
Archives, as well as Maps and Plans, relating to
territory outside the borders of Germany as
established in Article 1 of this treaty will be
transmitted to those states in which the territory
is located.

Part 6

Concluding Provisions

Article 43

From the moment of the entry into force of the
present peace treaty, Germany is freed of all

From the moment of the entry into force of the
present peace treaty, Germany is freed of all

Article k3 (continued)

obligations under international treaties and agreements concluded by the German Democratic Republic and the Government of the Federal Republic of Germany before the entry into force of the present treaty which are in contradiction to the provisions of the peace treaty.

obligations under international treaties and agreements with the exception of those listed in Annex 2 of this treaty.

Article k4

Any dispute relating to the interpretation or the fulfillment of the present treaty not settled by means of direct diplomatic negotiations or by another method according to an agreement between the disputing sides must be presented to a commission consisting of representatives of the Soviet Union, the United Kingdom, the United States of America, France, the German Democratic Republic, and the Federal Republic of Germany. In the case of failure to reach an agreement in the commission on the question of the solution of such a dispute in the course of two months, this dispute will, if the disputing sides do not come to a mutual agreement about other methods for its settlement, be transmitted to a commission composed of one representative from each side and a third member chosen by mutual agreement between the two sides from citizens of third countries.

Any dispute relating to the interpretation or the fulfillment of the present treaty not settled by means of direct diplomatic negotiations or by another method according to an agreement between the disputing sides must be presented to a commission consisting of representatives of the Soviet Union, the United Kingdom, the United States of America, France, and Germany. In the case of failure to reach an agreement in the commission on the question of the solution of such a dispute in the course of two months, this dispute will, if the disputing sides do not come to a mutual agreement about other methods for its settlement, be transmitted to a commission composed of one representative from each side and a third member chosen by mutual agreement between the two sides from citizens of third countries. If agreement on the third member is not reached within 1 month such member shall be appointed, upon application of either party, by the President of the International Court of Justice.

Article k5

1. The present treaty must be ratified and will enter into force immediately after the handing over for custody of the documents of ratification of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, France, and Germany.

[No change]

Article 45 (continued)

In relation to each state which subsequently
ratifies the present treaty or adheres to it, it
will enter into force from the day of the handing
over for custody by this state of the document of
ratification or of adherence.

2. If the treaty does not enter into force during
the period of ten months after the handing over for
custody of the documents of ratification of Germany,
any state which has ratified it may ratify the treaty
into force between itself and Germany by ratifica-
tion of this to Germany and to the necessary states
during the course of three years after the handing
over for custody of the documents of ratification
of Germany.

[No change]

Article 46

Any state in a state of war with Germany but which
is not a party that has signed the present treaty
may adhere to this treaty.

[No change]

Article 47

The treaty does not give any rights, legal grounds,
or benefits to states which are not a party to the
present treaty, and no rights, legal grounds, or
interests of Germany will be considered infringed
as by any provision of the present treaty in favor
of such states.

[No change]

Article 48

The present treaty, and also all documents of
ratification and adherence must be handed over to

[No change]

S

6 6 B
July 29, 1961

SECRET

NEGOTIATIONS ARISING OUT OF THE BERLIN CRISIS

- I. Concept
- II. United States Objectives
- III. Soviet Objectives
- IV. Initial Steps
- V. Negotiating Positions

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Summary

I.

Concept

1. Continue execution of presently planned measures for strengthening national and NATO defenses.

2. Protracted negotiations: engage the Powers most concerned in a continuing discussion of the unresolved problems not only of Berlin and Germany but of all Central Europe. Keep this discussion going for years if need be, as in the Austrian treaty talks.

3. Develop negotiating positions which genuinely look toward progress in solving those problems, and make possible enough forward movement from time to time to give the USSR an interest in continuing and subject it to serious political losses in the Free World if it breaks off. This should not be a mere ruse to talk the present Berlin crisis to death, but a statement-

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-2-

like program for achieving stability through peaceful change where violent change and immobilism would be equally fatal.

4. Mechanism: hold a Foreign Ministers' meeting, explore initial positions, delegate to deputies constituting a Commission on Central European Problems, including Czechs and Poles, with the two Germans attached as in Geneva.

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II.

UNITED STATES OBJECTIVES

1. Solution to the crisis satisfactory from the standpoint of ourselves and our major allies without a war or a permanent increase of tension with the Soviet Union -- if possible in such a way as to lay a foundation for eventual decreased tension and even growing cooperation.

2. Continued independence of West Germany and its association with the West, including NATO and the European Community.

3. Continued right of self-government by West Berlin, sufficiently close association with West Germany to make it economically viable, and access under conditions which will not be subject to the arbitrary decisions of either Soviet or East German officials.

4. Increased unity with our three major and our other

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4

NATO allies; increased United States and NATO military strength; use of the present crisis to further political integration of the Western World.

3. Creation, through our conduct, of a clear image to the Soviet Union, our allies and the world generally that we are a united people, confident of our own capabilities and realistic in the understanding of German and world problems, and that we have the capacity to act with firmness and a willingness to take whatever reasonable risks are called for.

6. Evolution of an increasingly stable status vivendi in Central Europe, including the removal or reduction of tensions at the points of East-West contact there and the normalization of relations to the maximum degree possible across the contact. In this connection, to contrive to minimize fear of Soviet and German aggression, to achieve as tolerable a regime

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in East Germany as is possible during the period of its domination by the Soviets, and to encourage long term progress toward self-determination in Eastern Europe.

7. Unity of the German people in political freedom if desired both by the peoples of East and West Germany at the time the choice is made, but not at the expense of a war with the Soviet Union or creation of a situation which would likely lead to war.

8. Assurance that gains made as a result of negotiations will be of an enduring rather than a purely transitory nature so as to minimize the possibility of recurring crises over the Berlin/German issue.

9. Conviction on the part of the Free World and the peoples of Eastern Europe that the United States and our allies have been reasonable in handling the post-war German question, while

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remaining faithful to our commitments and to such fundamental principles as self-determination of peoples.

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III.

SOVIET OBJECTIVES

1. To stabilize the regime in East Germany and prepare the way for the eventual recognition of the East German regime;
2. To legalize the eastern frontiers of Germany;
3. To neutralize Berlin as a first step and prepare for its eventual take-over by the GDR;
4. To weaken if not break up the NATO alliance; and
5. To discredit the United States or at least seriously damage our prestige.

(From a memorandum from Ambassador L. R. Thompson to the Secretary, June 19, 1961)

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IV.

INITIAL STEPS

It is desirable for the West to take the diplomatic initiative at a fairly early stage, but only after a clear demonstration of our will, buttressed by concrete acts, to resist any Soviet attempt at a unilateral resolution of the crisis. Such acts are now in train.

Certain political events are significant in the timing of such an initiative, notably the Belgrade "neutrals" conference, Sept. 1; the West German election, Sept. 17; the convening of the UNCT, Sept. 19; meeting of the Soviet Party Congress in October.

The scope of the agenda for negotiations is important. Because of the disadvantages to the West of limiting it too narrowly to Berlin where we are most vulnerable, as demonstrated at Geneva in 1959, we should aim at a fairly broad agenda, with

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all-German and even European aspects.

Initially the exchanges should be at the Foreign Ministers level. A lower level probably would be futile and a summit should be avoided.

Hence, at the Foreign Ministers meeting scheduled August 5 and the NATO meeting agreement should be sought with the principal allies to propose a Foreign Ministers meeting of the Four Powers having all-German responsibilities to consider the questions of European security, including Germany and Berlin. The agenda would be worked out through normal diplomatic channels. It would be advantageous to issue such an invitation late in August (before the Belgrade meeting) and hopefully well in advance of any Soviet initiative. If couched in general terms it is not believed that such an invitation would cause an unfavorable German reaction. A meeting might be proposed for early November (after the Moscow

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Party Congress).

If the Soviets issue an invitation for a Foreign Ministers conference in terms comparable to what we would propose, we should accept, subject to the working out of a suitable time and agenda.

If the Soviets propose a general Peace Conference, the Western powers, without foreclosing the possibility of an avianal conference, should counterpropose the Foreign Ministers meeting previously suggested.

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V.

NEGOTIATING POSITIONS

The Western powers would make substantive proposals at a Foreign Ministers' Conference and would suggest that they be considered by a Commission on Central European Problems, which would include the Czechs, the Poles, and German advisers. These proposals are described below, without regard to the tactical questions associated with their presentation. We might initially bring forward proposals which would be less acceptable to the Soviets, and then gradually modify them if and as negotiations showed some signs of being fruitful. It would be essential, however, to be sufficiently forthcoming to attract the Soviets to the protracted negotiations we envisage.

1. German Unity. We would put forward a modified version of the Western Peace Plan, but not as called. It would include

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essentially the Mixed German Committee of Stage II, with some modifications and with emphasis on its role in all-German relations and in negotiations regarding German unity, but without fixed time limit for all-German elections and with its life being extended to 7 years as proposed by Ambassador Thompson. The Mixed Committee's functions might be expanded to include the promotion of not only contacts and cultural exchanges but also trade and credits between the two parts of Germany, with a clear implication that this might involve an expansion of West German credits to East Germany. Numerous deletions would need to be made from the existing Western Peace Plan, and among these should be the provision for an all-Berlin solution and the security provisions of Stages II and III.

2. European Security. We would suggest that the Commission on Central European Problems develop arrangements to assure

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European security and to safeguard against surprise attack in Europe. We would indicate our willingness to consider some or all of the following:

- (a) The Western powers going on record as opposed to any forcible change in the existing German frontiers. (Alternatively, we could announce our intention to approve these frontiers substantially unchanged in a final German settlement).
- (b) Guarantee that neither GDR nor FRG armed forces should have independent control of nuclear weapons or delivery systems.
- (c) A Four Power non-aggression declaration or pact, to which other NATO and Warsaw Pact countries could declare their adherence (thus avoiding treaty relations with the GDR).

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(d) A Central European zone of inspection of armed forces against surprise attack, and possibly eventually their limitation under agreed international arrangements (such zone not to be exclusively German).

3. (b) A tacit agreement not to deploy MRBM's in Germany. (Such deployment is presently precluded, as far as the US is concerned, by the statement of US policy toward NATO and the Atlantic nations, approved by the President April 21, 1961.)

3. An outline German peace treaty. This should indicate our views as to Germany's position and role in the international community, with broad guarantees of security both for Germany itself and for its neighbors vis-a-vis Germany. It would be adaptable to whatever decision the Mixed German Committee may

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eventually take as to Germany's unification.

4. Berlin. We should, ourselves, seek to have the question of Berlin put aside while we first discuss Germany and European security. We would raise the question of Berlin only if the Soviets move toward unilateral action affecting Berlin, either by signing a treaty with East Germany or interfering with our access rights. We should, however, make clear that any agreements reached on the questions of Germany and European security will go into effect only if a satisfactory settlement regarding Berlin is reached without a fixed time limit.

When the question of Berlin is discussed -- either as the last item on the agenda at our initiative or earlier at Soviet initiative -- we should make a determined effort to obtain an arrangement which would put an end, once and for all, to recurring

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crises over Berlin. We should bring into play all the bargaining power we hope to gain from the German and European Security negotiations. To this end, we should propose placing access to West Berlin under the administration of West Berlin itself or, if this is not possible, of an International Authority, exercising such powers as necessary to assure free, unimpeded access under fair conditions to all nations. In return, we should offer the concessions regarding force levels, subversive activities, etc., offered by the Western powers at Geneva in 1959, plus possibly a unilateral declaration that all-German political activities (notably meetings of the Bundestag) would not take place in Berlin so long as the agreed arrangement was being fulfilled in all other respects. While the Free City proposal is unacceptable, we can - and do - recognize that West Berlin is not an integral part of West Germany and

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is subject to certain reservations not applicable to West Germany.

If the Soviets reject our proposals and move toward unilateral action in Berlin, we might propose the reciprocal declarations called for in "Solution C" plan (London Working Group Report, 1959). This would mean that East German officials could handle access arrangements, provided that they observed the procedures now existing. Some additional features (e.g. of the July 28 proposal re force limitations and "questionable activities") might be included. There could be a UN presence to give added assurance that agreed arrangements would be fully observed.

The various proposed solutions for the Berlin problem which would depend primarily on UN action, including the proposals that the headquarters of the UN be moved to Berlin and that all-Berlin be placed under UN controls, were considered. Except as mentioned in Solution "C", none are recommended at this stage.

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because of the current Soviet attitude toward the UN, including their "troika" proposal, and because Ambassador Thompson feels that an all-Berlin solution is so distasteful to the Soviets that they would exact a higher price for it than for a solution covering only Western Berlin. We will continue to study more limited possibilities for UN involvement.

T

DEPARTMENT OF STATE
SPECIAL ASSISTANT TO THE SECRETARYSECRET

August 2, 1961

~~GM~~
~~LF~~
~~HO~~
~~EL~~

MEMORANDUM TO: S/P - Mr. McGhee

George:

In general I like your paper of July 29 on "Negotiations Arising Out of the Berlin Crisis" and have only two comments.

In connection with 1. under U.S. Objectives, I question whether it is practical or desirable at this stage to speak of laying the foundation for eventual decreased tension and growing cooperation with the Soviet Union. I would favor ending the sentence after the words, "without a war."

On Timing (pages 9 and 10), we face a dilemma between premature talk of a Foreign Ministers' Meeting on the one hand, and having Moscow call one first on the other. I feel that agreement at the meetings next week to propose a 4-Power Meeting would inevitably receive wide publicity immediately and would seriously weaken the determination of other NATO countries to proceed with the military buildup and face up to a crisis. While the Russians might spring a surprise proposal for a Foreign Ministers' Meeting, there has been nothing so far to indicate that they intend calling anything but a general Peace Conference. On balance, I would think a Western decision on proposing a Foreign Ministers' Meeting should be postponed.

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T. C. Achilles

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SENSITIVE HANDLING

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of 18 copies.

THE WHITE HOUSE

Washington

31 July 1961

Dear Dean:

I know that you are assembling many thoughts on Berlin negotiations. I attach one approach for what it is worth based on three premises:

a. Our "rights" in Berlin are of no real value in themselves. We would like to get rid of them if an honorable way were found.

b. On the other hand, the safety of West Berlin is vital to us and to fulfill our commitment we should be prepared to risk war.

c. However, our position on Germany and West Berlin should be no tougher than that of the West Germans.

If these premises are correct, why not let the West Germans do our negotiating for us, feeling that we can probably accept any settlement which they will indorse? We would lose nothing if we disposed of our "rights" under conditions where the safety of West Berlin were amply protected.

MAXWELL D. TAYLOR

Honorable Dean Rusk
Secretary of State
Washington, D. C.

Enclosure

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SENSITIVE HANDLING

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The U.S. encourages the formation of a Mixed German Committee representing West Germany, West Berlin and East Germany for the purpose of developing proposals for the settlement of the German and the Berlin questions. These representatives are authorized to assume for the purpose of their discussions that the U.S., U.K. and France would undertake to transfer their rights in Berlin to the West German government and that the USSR would do likewise in transferring its Berlin rights to the East German government. Thus, the conferees will have new assets for negotiation and will be unimpeded by agreements arising out of the termination of the war in working out new proposals for Germany and Berlin.

All four powers would reserve the right to give approval to any ultimate arrangement affecting their rights in Germany and in Berlin. While these negotiations were in progress, there would be no change in current Allied rights of access and presence in Berlin.

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Copy No. 1 of 10 copies.

MEMORANDUM

August 8, 1961

TO: S - Mr. Acheson
FROM: L - Mr. Kearney
SUBJECT: Non-aggression pact between NATO and
Warsaw Pact members

In accordance with our discussion on August 1, I am submitting two drafts of a non-aggression pact between the members of NATO and of the Warsaw Pact organization. The first of these drafts sets forth the initial position which we might take in negotiations with the Soviets on such a pact. It incorporates provisions regarding Berlin which are substantially identical with the Berlin proposals advanced during the latter part of the 1959 Foreign Ministers conference in Geneva. This draft contains a number of provisions which are obviously unacceptable to the Soviets, such as the requirement that disputes regarding interpretation and implementation of the agreement be referred to the ICJ. Such provisions are included for bargaining purposes.

The second draft indicates what might be the final positions which we could take in such a negotiation. Differences between the two drafts are indicated in this latter version by underlining both new material and revisions of the original clauses. Deletions are indicated by the use of square brackets.

The second version provides for a numerical limitation upon the number of Western troops in Berlin, as well as a rather sweeping restriction upon intelligence and propaganda activities conducted in Berlin. Additional provisions have been incorporated regarding German boundaries, restrictions on possession by Germans of ABC weapons, and refugees.

On the basis of the reports from Paris it appears likely that the Western position in the initial negotiations with the Soviets will be based upon the Western Peace Plan

of 1959

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of 1959 and the Berlin solution contained therein. As such negotiations are sure to bog down quickly, it is suggested that the negotiations regarding a non-aggression pact could well serve as a vehicle for a second round of discussions. The time schedule might envisage a Foreign Ministers Conference for Peace Plan-Peace Treaty discussions, reference of the Germany-Berlin problem to a Summit meeting after the inevitable deadlock, and agreement at the Summit for further negotiations by the Foreign Ministers on the non-aggression pact proposals.

The major problem in connection with these proposals is the one of East German recognition. The drafts have been so worded as to minimize the scope of recognition by referring to "members" of the two organizations rather than states, by avoiding direct German representation in the negotiations which would formulate the agreement and by other devices such as the use of Austria as the depository country. Nevertheless, the conclusion of such a pact will inevitably impart some degree of de facto recognition to the "G.D.R." although it successfully avoids de jure recognition. The question to be determined is whether the commitments we obtain are sufficient to counter-balance the quantum of recognition given.

Attachments:

2 treaties (draft) dated August 7, 1961.

L:L/EUR:RDKearney:mlm
8/8/61

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FIRST STARTING POSITION

August 7, 1961

DRAFT NON-AGGRESSION TREATY

France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, acting for and on behalf of the members of the North Atlantic Treaty Organization, and the Czechoslovak Republic, the Polish People's Republic and the Union of Soviet Socialist Republics, acting for and on behalf of the members of the Warsaw Pact,

Reaffirming their adherence to the purposes and principles of the Charter of the United Nations, with particular reference to the maintenance of international peace and security,

Desirous of reducing the tensions which have arisen between the members of the North Atlantic Treaty Organization and the members of the Warsaw Pact, and in particular the differences respecting Germany and Berlin,

Recognizing the need to establish procedures for resolving matters in controversy between the members of the North Atlantic Treaty Organization and the members of the Warsaw Pact and for the development of a peace treaty with Germany acceptable to all the interests concerned,

Agree as follows:

I

1. The members of the North Atlantic Treaty Organization on the one hand and the members of the Warsaw Pact on the other affirm: that they will settle any disputes by peaceful means in such a manner that international peace and security and justice, are not endangered and that none of the members of the one organization shall take any aggressive action against any members of the other.

II

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II

1. a. In order to effectuate the purposes of this treaty a European Peace Commission is hereby established to examine problems giving rise to tensions between the parties and to make recommendations for the reduction or elimination of such tensions to the members of each organization. The Commission shall be comprised of five individuals designated by the North Atlantic Treaty Organization and five individuals designated by the Warsaw Pact organization. The Commission shall be assisted insofar as matters relating to Germany are concerned, by a German Peace Committee comprised of six German nationals, three to be designated by the North Atlantic Treaty Organization and three by the Warsaw Pact.

b. The Secretary-General of each organization shall notify the Depositary Government of the names of the members of the Commission and of the German subcommittee within three months of the coming into force of this agreement.

2. The seat of the Commission shall be in Berlin. The Commission shall adopt its own rules of procedure provided that the Chairman of the Commission shall hold office for a three-month term and shall be selected alternately by the designees of the North Atlantic Treaty Organization and by the designees of the Warsaw Pact beginning with the former.

3. The Commission shall have the following functions:

a. To assist in resolving disputes which may arise between one or more members of the North Atlantic Treaty Organization on the one hand and one or more members of the Warsaw Pact organization on the other and which are of a nature to endanger European peace and

security

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security by examining into the particulars of any such dispute and making recommendations regarding the settlement thereof to the members concerned. Any member of either alliance may refer a dispute which it considers may endanger European peace and security to the Commission.

b. To assist in the carrying out of the provisions of this agreement:

- i. by investigating any complaints which may be made respecting actions which are not in conformity with the agreement;
- ii. seeking to reconcile any differing views regarding the interpretation or implementation of the agreement;
- iii. recommending appropriate courses of action to members of the respective organizations concerned with implementation of the agreement. Each member of both alliances shall cooperate fully with the Commission in the investigations which it may carry out pursuant to this article.

c. To promote the relaxation of tensions between the members of the two organizations by encouraging the improvement of trade relations, cultural exchanges and similar activities of a type designed to develop relations of a positive nature.

d. To study and recommend to the members of the two organizations methods for reducing armed forces and armaments in the European area.

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4. The Commission may establish such subcommittees as are necessary in order for it to carry out its functions.

5. Decisions of the Commission shall be taken by majority vote.

III

The German Peace Committee shall study and make recommendations to the Commission regarding:

- a. methods for the reunification of Germany;
- b. means by which a peace treaty with Germany can be effectuated;
- c. the contents of a peace treaty with Germany.

IV

The manufacture in Germany of atomic, biological and chemical weapons is prohibited. The Joint Commission referred to in Article II of this agreement will be authorized to travel throughout Germany and to conduct appropriate inspection of manufacturing facilities to ensure compliance with this agreement.

V

1. In order to eliminate tensions which may arise with respect to Berlin

- a. No member of either organization which now maintains armed forces in Berlin shall increase the numbers of such forces;
- b. No atomic weapons shall be permitted in Berlin.
- c. Measures shall be taken in Berlin by all responsible parties to eliminate activities which tend to disturb public order or seriously affect the rights and interests of any members of the two organizations;

d.

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d. Freedom of movement will be maintained among all the sectors of Berlin.

e. There shall be free and unrestricted access to West Berlin by land, by water and by air for all persons, goods and communications including those of the French, United Kingdom and United States Forces stationed in West Berlin. The procedures applicable are those in effect on _____ 1961, as codified in the annex to this agreement. The procedures may be carried out by German nationals.

2. The Secretariat of the United Nations shall be responsible for overseeing compliance with paragraph 1 of this Article, and for this purpose is empowered to conduct such investigations and require such reports in Berlin and in and along the access routes to Berlin as it may deem necessary.

VI

Any dispute regarding the interpretation or implementation of this agreement which cannot be resolved by recourse to the European Peace Commission, may be referred by any member of either organization to the International Court of Justice for decision. The decision of the Court shall be binding upon all members of each organization whether or not they are formal parties to the proceeding before the Court.

VII

1. The agreement shall come into force upon deposit with the Depositary State of Nations of accession by all of the members of the North Atlantic Treaty Organization and by all of the members of the Warsaw Pact organization.

2.

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2. The Depositary State shall be the Republic of Austria.

3. The agreement shall remain in force for a period of at least ten years and thereafter until one year's notice of termination has been given by at least five members of either the North Atlantic Treaty Organization on the one hand or of the Warsaw Pact on the other.

L:L/EUR:RDKearney:ejjs

RD - State, Washington, D.C.

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SECOND FINAL POSITION

August 7, 1961

DRAFT NON-AGGRESSION TREATY

France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, acting for and on behalf of the members of the North Atlantic Treaty Organization, and the Czechoslovak Republic, the Polish People's Republic and the Union of Soviet Socialist Republics, acting for and on behalf of the members of the Warsaw Pact,

Reaffirming their adherence to the purposes and principles of the Charter of the United Nations, with particular reference to the maintenance of international peace and security,

Desirous of reducing the tensions which have arisen between the members of the North Atlantic Treaty Organization and the members of the Warsaw Pact, and in particular the differences respecting Germany and Berlin,

Recognizing the need to establish procedures for resolving matters in controversy between the members of the North Atlantic Treaty Organization and the members of the Warsaw Pact and for the development of a peace treaty with Germany acceptable to all the interests concerned,

Agree as follows:

I

The members of the North Atlantic Treaty Organization on the one hand and the members of the Warsaw Pact on the other affirm that they will settle any disputes by peaceful means in such a manner that international peace and security and justice, are not endangered and that none of the members of the one organization shall use armed force against any members of the other except for the purpose of legitimate self-defense.

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II

II

1. (a) In order to effectuate the purposes of this treaty a European Peace Commission is hereby established to examine problems giving rise to tensions between the parties and to make recommendations to the members of each organization. The Commission shall be comprised of five individuals designated by the North Atlantic Treaty Organization and five individuals designated by the Warsaw Pact organization. The Commission shall be assisted insofar as matters relating to Germany are concerned, by a German Peace Committee comprised of six German nationals, three to be designated by the North Atlantic Treaty Organization and three by the Warsaw Pact.

(b) The Secretary-General of each organization shall notify the Depositary Government of the names of the members of the Commission and of the German subcommittee within three months of the coming into force of this agreement.

2. The seat of the Commission shall be in Vienna. The Commission shall adopt its own rules of procedure provided that the Chairman of the Commission shall hold office for a three-month term and shall be selected alternately by the designees of the North Atlantic Treaty Organization and by the designees of the Warsaw Pact organization beginning with the former.

3. The Commission shall have the following functions:

(a) To assist in resolving disputes, which may arise between one or more members of the North Atlantic Treaty Organization on the one hand and one or more members of the Warsaw Pact organization on the other, and which are of a nature to endanger European peace and security, by examining into the particulars of any such dispute and making recommendations regarding the settlement thereof to the members concerned.

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(b) To assist in the carrying out of the provisions of the agreement:

- i. by investigating any complaints which may be made respecting actions which are not in conformity with the agreement;
- ii. seeking to reconcile any differing views regarding the interpretation or implementation of the agreement;
- iii. recommending appropriate courses of action to members of the respective organizations concerned with implementation of the agreement.

[]

(c) To promote the relaxation of tensions between the members of the organization by encouraging the improvement of trade relations, cultural exchanges and similar activities of a type designed to develop relations of a positive nature.

(d) To study and recommend to the members of the respective organizations methods for reducing armed forces and armaments in the European area, including a demilitarized zone in Central Europe.

4. The Commission may establish such subcommittees as are necessary in order for it to carry out its functions.

5. Decisions of the Commission shall be taken by unanimous vote.

III

1. The German Peace Committee shall study and make recommendations to the Commission regarding:

(a)

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(a) methods for the reunification of Germany;
(b) means by which a peace treaty with Germany can be effectuated;

(c) the contents of a peace treaty with Germany.

2. The German Peace Committee shall establish arrangements to promote mutual understanding and to extend and develop contacts throughout all Germany.

IV

The manufacture in Germany and the possession by Germans of atomic, biological and chemical weapons are prohibited. The Joint Commission referred to in Article II of this agreement will be authorized to travel throughout Germany and to conduct appropriate inspection of manufacturing facilities and other installations to ensure compliance with this agreement.

V

1. In order to eliminate tensions which may arise with respect to Berlin:

(a) Armed forces of members of N A T O stationed in Berlin shall not exceed 7,500 personnel.

(b) Only conventional weapons shall be permitted in Berlin.

(c) Members of each organization will not carry on, or permit carrying on, covert intelligence and propaganda activities in Berlin directed against any member of the other organization.

[

]

(d)

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(d) There shall be free and unrestricted access to West Berlin by land, by water and by air for all persons, goods and communications including those of the French, United Kingdom and United States Forces stationed in West Berlin. The procedures applicable are those in effect in _____ 1961

[] The procedures may be carried out by German personnel.

2. The European Peace Commission shall be responsible for overseeing compliance with paragraph 1 of this Article, and for this purpose is empowered to conduct such investigations and require such reports in Berlin and in and along the access routes to Berlin as it may deem necessary.

VI

Any dispute regarding the interpretation or implementation of this agreement which cannot be resolved by recourse to the European Peace Commission, shall be settled through reference to arbitration, the International Court of Justice, or other peaceful means.

VII

The members of each organization accept the boundaries of Germany as they are delineated in the annex hereto as the permanent and final boundaries for inclusion in a peace treaty with Germany.

VIII

The members of each organization consider excessive shifts in population between the parts of Germany as undesirable in the period pending a final peace settlement. The German Peace Committee is

consequently

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consequently charged with responsibility for formulating measures to reduce such shifts in population.

IX

1. The agreement shall come into force upon deposit with the Depositary State of notices of accession by all of the members of the North Atlantic Treaty Organization and by all of the members of the Warsaw Pact organization.
2. The Depositary State shall be the Republic of Austria.
3. The agreement shall remain in force for a period of at least five years and thereafter until one year's notice of termination has been given by at least three members of either the North Atlantic Treaty Organization on the one hand or of the Warsaw Pact organization on the other.

L:L/EUR:RDKearney:ejs

RD - State, Washington, D. C.

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This document consists of 1 pages
No. 2 of 28 Copies, Series A.

GERMAN STATE TREATY
(Twin Treaty Concept)

NOTE:

The attached draft treaty has been prepared in response to a suggestion by Ambassador Thompson. The concept is that of virtually identical treaties to be signed by the United States and others with the Federal Republic and by the Soviet Union and others with the G.D.R. Since the Soviet Union has diplomatic relations with both the Federal Republic and the G.D.R., the draft has been prepared on the assumption that the U.S.S.R. would be party to both treaties.

"Linkage" of the two treaties is obtained by Article 19.

The purpose of the proposal is to obtain a "treaty" settlement relating to the whole of Germany without recognition of the G.D.R. regime by the Western Powers while at the same time making appropriate arrangements with regard to Berlin and access. Since the Allied and Associated Powers were never at war with the Federal Republic or the G.D.R., the draft is designated a "German State Treaty" following the precedent of the Austrian State Treaty (bearing in mind that the United States was never at war with Austria).

In the absence of a central German Government, an effort has been made in drafting to avoid provisions to the effect that "Germany undertakes", "Germany shall", etc.

Article 11(2) relating to access is derived from Article 4(2) of the peace treaty between the U.S.S.R. and Finland in which the Soviet Union obtains access rights from the Soviet Union to Porkkala-Udd. It is believed that having required the Finns to permit such access, the Soviets would be handicapped in objecting to a comparable provision with respect to Berlin. The Annex referred to would spell out details regarding access procedures.

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This document consists of 11 pages
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DRAFT (3rd)
August 18, 1961

GERMAN STATE TREATY
(Twin Treaty Concept)

The United States of America, the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Australia, etc. and the Federal Republic of Germany,

Being united in their determination to live together in peace and security,

Recognizing that the parties concerned have not yet succeeded in efforts to achieve unification of the German State under a central German Government,

Recognizing further that pending such unification it is mutually desirable to resolve certain residual matters still outstanding as a result of World War II,

Have accordingly appointed the undersigned plenipotentiaries who, after presentation of their full powers, found to be in good and due form, have agreed as follows:

Chapter I

[Peace

Article 1

The state of war between Germany and each of the Allied and Associated Powers is terminated, to the extent for which provision

has

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has not previously been made therefor, as from the date on which the present Treaty comes into force as provided for in Article 20.]

Note: It may be desirable to omit this article in tabling any proposal and wait to see if the Soviets indicate such a provision is necessary or desirable.

Article 2

The Allied and Associated Powers recognize the full sovereignty of the German people over Germany and its territorial waters, subject to the special arrangements regarding Berlin set forth in Article 12.

Chapter II

Territory

Article 3

1. The boundaries of Germany shall be those set forth and defined in the maps and descriptive materials attached to this Treaty as Annex I.

2. All right, title, and claim of Germany to territories formerly German or claimed as German and which are outside of the boundaries of Germany as defined in Annex I are hereby terminated.

Chapter III

Political

Article 4

Government in Germany shall be democratic in nature based on elections by secret ballot, and shall guarantee to all citizens free, equal and universal suffrage as well as the right to be elected to public office without discrimination as to race, sex, language or religion.

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Article 5

The full force of the treaties of peace with Italy, Rumania, Bulgaria, Hungary, (Finland), and Japan shall be recognized in Germany as well as the arrangements made for terminating the former League of Nations and the Permanent Court of International Justice.

Article 6

The Allied and Associated Powers agree that at such time as a central government is formed in Germany they will support the application of Germany for membership in the United Nations.

Article 7

1. Pending the admission of Germany to membership in the United Nations, the principles of the Charter of the United Nations shall be applied in Germany, in particular the obligations set forth in Article 2 of the Charter:

(a) to settle international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;

(b) to refrain in international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations;

(c) to give the United Nations every assistance in any action it takes in accordance with the Charter, and to refrain from giving assistance to any State against which the United Nations may take preventive or enforcement action.

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2. The Allied and Associated Powers confirm that they will be guided by the principles of Article 2 of the Charter of the United Nations in matters respecting Germany.

3. Nothing in this Treaty shall be deemed to affect existing security arrangements to which the signatories may be party except as provided in the requirements laid down in Annex III to the present Treaty regarding security arrangements.

Article 8

The judgments of the International Military Tribunal in Nurnberg, and of other Allied war crimes courts both within and without Germany shall remain binding.

Article 9

1. Citizens of the Allied and Associated Powers within the territory of Germany as a result of the war, who wish to return to their homelands shall be repatriated within twelve months after the coming into force of the present Treaty.

2. Each Allied and Associated Power will repatriate within twelve months after the coming into force of the present Treaty those German citizens already within its territory as a result of the war, including all German scientists and specialists transferred to its territory, whether with or without compulsion, who wish to return to Germany.

3. In the event that any question arises respecting the willingness of any citizen to be repatriated, a representative appointed by

the Secretary-General

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the Secretary-General of the United Nations shall be afforded free and unimpeded access to such citizen to determine the question. Such representative shall, if he determines the citizen wishes to be repatriated, be empowered to make immediate arrangements for the departure of such citizen to his homeland.

Article 10

1. The graves on German territory of the soldiers, prisoners of war, and nationals forcibly brought into Germany, of the Allied and Associated Powers, as well as of the other United Nations which were at war with Germany, and the memorials and emblems on these graves will be respected, preserved, and maintained by German authorities.

2. Any commission, delegation or other organization authorized by the State concerned to identify, list, maintain or regulate the graves, memorials and emblems referred to in paragraph 1 shall be recognized by German authorities. Those authorities shall facilitate the work of such organization and shall conclude in respect of the above-mentioned graves, memorials, and emblems, such agreements as may prove necessary with the State concerned or with any commission or delegation or other organization authorized by it. Such authorities likewise shall render, in conformity with reasonable sanitary requirements, every facility for the disinterment and dispatch to their respective countries of the remains buried in the said graves, whether at the request of the official organizations of the State concerned, or at the request of the relatives of the persons interred.

3. Each

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3. Each of the Allied and Associated Powers will assure the proper care and maintenance of the graves of German soldiers in its metropolitan territory, and will facilitate the activities of organizations serving that purpose.

Chapter IV

Berlin

Article 11

Bearing in mind the historical significance of Berlin as capital of Germany as well as the special status of that city resulting from the rights with respect thereto acquired by the Governments of the United States of America, the United Kingdom, the French Republic, and the Union of Soviet Socialist Republics, as a consequence of World War II, it is agreed as follows:

1. Pending unification of Germany under a central German government, the Four Powers named will retain their special status in the respective sectors of the city allocated to them under the Protocol of September 12, 1944, except to the extent that they agree to relinquish such status.

2. The use by the Four Powers of the railways, waterways, roads, and air routes necessary for the transport of personnel and freight dispatched to Berlin, and the right of unimpeded use of all forms of communication with Berlin in accordance with the procedures set forth in Annex III are confirmed; German nationals may be employed in the implementation of such procedures. The Four Powers will cooperate and take all measures necessary to assure the full application of the provisions of this paragraph.

3. Arrangements

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3. Arrangements between the United States, United Kingdom, France, and the U.S.S.R. relating to the incarceration of the major Nazi war criminals in Spandau Prison will be maintained unless the Four Powers make other arrangements by mutual agreement.

Chapter V

Austria

Article 12

1. The full validity of the State Treaty concerning the restoration of an independent and democratic Austria of May 15, 1955, and prohibiting Anschluss is recognized.

2. The sovereignty and independence of Austria will be respected and all German territorial and political claims in connection with Austria and Austrian territory are terminated.

Article 13

The transit and communication without customs duties or charges between Salzburg and Lofer (Salzburg) across the Reichenhall-Steinpass and between Scharnitz (Tyrol) and Ehrwald (Tyrol) (via Garmisch-Partenkirchen) shall be facilitated by German authorities.

Chapter VI

Claims and Property Interests

Article 14

The Allied and Associated Powers renounce and waive all claims to reparation from Germany to the extent that such claims have not already been satisfied.

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Article 15

1. All German claims, whether governmental or private, against the Allied and Associated Powers and their nationals arising out of the war or out of actions taken because of the existence of the state of war, are waived, as well as all German claims arising from the presence, operations, or actions of forces or authorities of any of the Allied or Associated Powers as occupying powers in German territory.

2. The foregoing waiver includes any and all claims arising out of actions taken by any of the Allied or Associated Powers with respect to German external assets regardless of where located, as well as any and all claims and debts arising in respect of German prisoners of war and civilian internees in the hands of the Allied and Associated Powers, but does not include German claims specifically recognized in the laws of any of the Allied and Associated Powers enacted since May 8, 1945.

3. The actions which have been taken with respect to German external assets in Portugal, Spain, Sweden, and Switzerland are recognized and confirmed.

4. The provisions with respect to German external assets and claims contained in the treaties of peace between the Allied and Associated Powers and Italy, Rumania, Bulgaria, Hungary, (Finland), and Japan, and in the Austrian State Treaty are recognized and confirmed. Insofar as such action has not already been taken, German authorities will take all steps necessary to ensure that the Allied

and Associated

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and Associated Powers and their nationals, successors of such nationals, and companies organized under German law in which such nationals own participation, shall be able to secure the return of their property in its present condition, and the restitution of their rights and interests in Germany to the extent to which such property rights or interests suffered discriminatory treatment. Such property rights and interests shall be free from all encumbrances and charges of any kind to which they may have been subject due to discriminatory treatment. No costs shall be imposed either in connection with return or restoration or with the removal of encumbrances or charges. If, due to the length of time which has elapsed since the termination of hostilities, such property rights or interests cannot be returned without causing undue hardship, compensation in lieu of such return may be paid on the basis of the current market value of such property, right or interest.

5. Undischarged pre-war external debts and obligations of public, corporate, and private persons and bodies, other than the German State, located in territory which formed part of Germany within its borders on December 31, 1937, but which territory is outside the boundaries of Germany as defined in Annex I, shall remain in full force and effect in accordance with the provisions of Annex II to the present Treaty.

Article 16

Any national of an Allied or Associated Power, or the successor of such a national, who is likewise such a national, shall have the right to institute, within one year from the entry into force of the

present

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present Treaty with respect to the State of which he is a national, an action for the revision of any judgment delivered by a German court between September 1, 1939 and May 8, 1945 in any proceeding in which such national was a party and was unable to make adequate presentation of his case.

Article 17

1. The existence of a state of war shall not in itself be regarded as affecting obligations to pay pecuniary debts arising out of obligations and contracts, including those in respect to bonds, which existed, and rights that were acquired, before the commencement of the state of war.

2. The intervention of a state of war shall, in itself, not be regarded as affecting the obligation to consider on their merits claims for loss and damage to property, for personal injury, or debts that arose before the existence of a state of war.

Chapter VII

Settlement of Disputes

Article 18

In the event of a dispute concerning the interpretation or execution of this Treaty or the Treaty referred to in Article 19 which is not settled by other agreed means, the dispute shall, at the request of any party thereto, be referred to the International Court of Justice, the decision of which shall be binding upon the parties.

Chapter VIII

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Chapter VIII

Final Clauses

Article 19

In the carrying out of their rights and obligations under this Treaty, the signatories accept the validity of the German State Treaty signed at _____ on _____.

Article 20

1. The present Treaty shall be ratified by the signatories and shall come into force for all the signatories which have then deposited ratifications when instruments of ratification have been deposited by the United States of America, the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the Federal Republic of Germany.

2. The present Treaty shall come into force for each State which subsequently ratifies it on the date of the deposit of its ratification.

Article 21

All instruments of ratification shall be deposited with the Republic of Austria, which will notify all the signatory States of each such deposit and of the date of the coming into force of the Treaty under paragraph 1 of Article _____.

Article 22

The present Treaty shall be deposited in the Archives of _____ which shall furnish each signatory State with certified copies thereof.

L:L/EUR:DAWehmeyer:jcm 8/21/61

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DEPARTMENT OF STATE

Bureau of Intelligence and Research

August 28, 1961

MEMORANDUM: "Recognition" of East Germany; Consequences and Negotiating Possibilities

This paper has two purposes: (1) to assess the consequences of various Western steps leading toward recognition of the East German regime; and (2) to estimate the importance of such steps as elements in a possible Berlin settlement. An analysis is made of the consequences of de jure recognition, agreements with the GDR amounting to de facto recognition, de facto dealings with the East Germans in regard to access procedures, all-German talks, recognition of the Oder-Neisse line, and West German abandonment of the "Hallstein doctrine." The weight which various steps leading toward recognition would have in a negotiated settlement is assessed in regard to: their efficacy in modifying existing Soviet proposals; their effect on "interim" agreements; and their usefulness in prolonging East-West talks and in containing the consequences of a separate peace treaty. In addition, an annex discusses the existing relations of the GDR.

* * * *

I. INTRODUCTION

The question of the recognition of the GDR -- or, to use Soviet terms, the need to accept the existing state of affairs in Germany, the existence of two German states -- has been an integral part of the Soviet demand to convert West Berlin into a "free city" ever since it was first raised in November 1958. Indeed, Soviet demands on the Berlin and two Germanies issues are inextricably related. They serve the same goal, the consolidation of communist rule in East Germany. And they tend to be mutually reinforcing; steps toward recognition could also undermine the West's position in Berlin, and agreements on Berlin could also serve to enhance the international status of the GDR.

Nevertheless, the USSR has the option in future negotiations of stressing one of these two objectives at some sacrifices to the other -- a tactic they have used in the past. This raises the question of whether it would be possible, and under what circumstances, for the West to take some step toward recognizing the GDR, or enter into more intimate dealings with the GDR than is presently the case, as a means of obtaining a more satisfactory agreement (or no agreement) on Berlin.

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This document consists of 14
pages, No. 5 of 78 copies,
Series A.

Before examining this question, it is desirable to analyse the consequences the West would have to pay for various degrees of recognition. In the discussion that follows, the impact of various degrees of recognition or official contact with the GDR is assessed first from the point of view of the West's presence in Berlin, the all-German question, and East Germany, and secondly in terms of West German reaction to these moves.

II. CONSEQUENCES OF RECOGNITION

A. Berlin, German Unification, and East Germany

1. De Jure Recognition. De jure recognition of East Germany by the Western powers -- defined as diplomatic recognition or signature of an agreement formally recognizing the existence of two German states -- would eliminate the basis of virtually all Allied policies on Germany. This step (1) would mean ultimately formal renunciation of Allied responsibility for the reunification of Germany; (2) would tend to negate the legal foundation for the Allied presence in West Berlin; (3) would seriously compromise Western resistance to East German encroachments on West Berlin and its communication lines by accepting the GDR as a sovereign state (this would be true even if the communists initially respected the terms of a "package" agreement involving de jure recognition which purported to protect Allied rights in Berlin); (4) would strengthen communist rule in East Germany; and (5) would produce serious repercussions on US relations with the Federal Republic.

Indeed, de jure recognition would have such obvious and serious consequences for the West that the Soviets have not even attempted to put this forward as a serious negotiating proposal. The furthest they have gone in this direction is their two Germanies peace treaty proposal, the heart of which is the recognition of the existence of two German states. Consequently the Soviets have sought for the most part to enhance the international status of the GDR by partial or indirect means.

2. Agreements According De Facto Recognition. One of the Soviet methods has been to propose that the GDR be a signatory of international agreements concluded with the Western powers. Assuming, in the present instance, that the three Western allies were to sign an agreement with the GDR which offered certain guarantees concerning free communications with West Berlin and said nothing, one way or another, about Western rights in Berlin, the following consequences could be expected:

a. The communists would maintain (correctly, it should be stressed) that the agreement was in effect an act of de facto recognition of the GDR. The GDR would attempt to exploit this situation by pressing for formal, de jure, recognition, both by the Western powers and by other states. The East Germans would seek the same goal by attempting to expand the scope and the level of negotiations held under the terms of the agreement.

b. While the agreement would not have such a direct nullifying effect as de jure recognition on Western rights in Berlin and Allied obligations regarding unification, it would seriously impair these juridical foundations. Sooner or later the East Germans would seize upon this point to support their contention that Allied rights in West Berlin should be extinguished, or had already been extinguished (assuming a separate treaty had been signed).

c. Sooner or later the GDR would also cite this evidence of its sovereignty to raise new demands concerning Allied access to Berlin, or, at a minimum, concerning "hostile" activities conducted from West Berlin.

Thus, the consequences of such an agreement might defeat the very purpose for which it was concluded and would constitute a significant step toward formal recognition of the two Germanies. These consequences would be mitigated somewhat if the agreement were concluded between working-level officials rather than by accredited diplomatic representatives. ^{1/}

3. De Facto Dealings. De facto four power dealings with the GDR (particularly on the part of the FRG) have already taken place and have already eroded to a certain degree the Western policy of non-recognition. Thus far, however, it has generally been possible to confine such dealings to the technical or governmental expert level which 12 years experience with East Germany indicates to be the critical dividing line between what constitutes meaningful recognition and what does not. The one major breach of this line occurred at the 1959 Geneva conference when GDR observers were admitted on a par with those from West Germany. The subsequent East German attempts to parlay this retreat into a larger measure of diplomatic acceptance were frustrated by the Allies but only with considerable expenditure of effort. (The extent of East German de facto dealings with non-bloc states is outlined below in an Annex.)

Generally speaking, acceptance of additional de facto dealings with East Germany would not necessarily invoke the legal consequences implicit in de jure recognition. However, the accumulated precedents created through such dealings make it difficult with the passage of time to maintain the line between what constitutes legal recognition and what does not. Soviet advocacy of de facto dealings is based on the assumption that one step can lead to another, once the first step has come to be an accepted fact of life.

What would be the particular consequences of de facto dealings by the three Western Allies with the East Germans in access procedures?

1. The Federal Republic has for a number of years concluded agreements -- the interzonal trade agreements -- with the GDR which have been negotiated and signed by working-level officials.

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To answer this question, let us assume first that the communists agreed to an arrangement along the lines of the so-called Solution "C". That is, prior to the signing of a separate treaty, the Western powers would issue a unilateral declaration that their rights and Soviet obligations remained unimpaired, and that they would deal with East German control personnel on ground and air access on the same terms as they had previously dealt with Soviet personnel; the East Germans would unilaterally declare that these control functions would henceforth be performed on these terms by German personnel; and the Soviets would unilaterally associate themselves with this East German declaration.

Under this agreed arrangement, the communists would undoubtedly claim that the signature of a separate treaty had nullified Western rights in Berlin. (They probably would unilaterally proclaim the establishment of a free city status for West Berlin with the signing of a separate treaty.) In fact, however, they would not have a sounder or more widely accepted juridical basis for challenging these rights than the pretexts they devise at the present time.

On the other hand, the East Germans would, in time, attempt to exploit this arrangement as a springboard for broader demands, in particular:

(1) Higher level diplomatic contacts with the three Western Allies for the reasons cited above (the East Germans would do this by transgressing, though not too far, the agreed arrangements on access and then demanding a resolution of the dispute through higher level negotiations), and

(2) greater control over traffic to Berlin and activities within West Berlin.

It would not be easy to keep these pressures within tolerable limits. The East Germans could certainly choose "creeping encroachment" tactics which would be extremely difficult to counter with threats of violent retaliation. The Soviets would certainly maintain that these issues were not their concern but were matters to be decided between the three Western Allies and the GDR.

The FRG's experience in dealing with the East Germans on access questions suggests that it may be possible to contain East German demands in this connection and still not compromise basic positions. (However, these FRG-GDR dealings are considered intra-German contacts, within the concept of a single Germany, and not international contacts.) As we have indicated above, the question of the two Germanies -- i.e., the recognition of the GDR -- ranks in importance in the communist view with the question of the four-power status of Berlin. Still, the vigorous strivings of the USSR over the past several years to compel the West to recognize the existence of the two Germanies quite obviously means that the present access arrangements between the FRG and East Germany do not satisfy the communists on this score.

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To these basic considerations may be added two other points. First, the volume of West German civilian traffic is roughly on the order of nine times that of Allied military traffic. It would be easier to shift the relatively small Allied surface traffic to air travel as a means of evading temporary GDR pressures (under this Solution "C" arrangement, air traffic would remain free of direct GDR control). Second, the USSR would have a greater interest in being able to maintain a veto over East German pressure moves over access questions against the US (which could at a minimum embarrass concurrent Soviet diplomatic moves) than is its present interest in having a control over East German pressures against West Germany (the FRG being an almost constant target of antagonistic Soviet diplomatic actions and being by no means a potential threat to Soviet security, except as a proxy of the US.) Viewed strictly from these considerations, the containment of GDR control of Allied access under an agent arrangement could prove easier to accomplish than has the FRG's containment of East German control over West German access.

Nonetheless, it must be recognized that the arrangements posited above would pose serious difficulties to the three Western Allies. To prevent these difficulties, it would seem essential that the Western Allies adhere to the following points at a minimum:

(1) Except for the most urgent humanitarian reasons (seizure of personnel, which over the long run hardly benefits the captors), the West would have to reject any reconciliation of trumped -up differences over access procedures with the GDR and would have to continue routinely to present these complaints to the USSR, through diplomatic channels.

(2) The West would have to insist on the maintenance of direct FRG-Tempelhof air communications. Quite apart from its affect on the refugee flow, this is an essential instrument for deflating (through re-routing) GDR harassment of surface traffic and is necessary for the maintenance of West Berlin morale.

(3) The West would have to reject almost any conceivable agreed arrangement for limiting "activities" in West Berlin. The GDR would attempt to exploit such an agreement in order to stop unhindered air traffic and interfere in West Berlin internal affairs.

(4) In order to cope with "creeping encroachment" by the GDR, the three Western Allies would have to devise retaliatory threats and measures short of the application of military force (the latter would not be a credible deterrent under most circumstances). One method would be to establish the point through demarches to the USSR that East German trade relations with the FRG would be adversely affected by GDR interference with Allied -- as well as West German -- traffic to Berlin.

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Under this heading, there is a second conceivable arrangement; namely, that the three Western Allies, following the conclusions of a separate treaty, would announce their intention to deal with GDR "agent" controllers on access routes -- along the lines described above for Solution "C" -- but without the accompanying GDR or Soviet declaration plus Soviet endorsement. Perhaps more important, even if the East Germans went along with the Western declaration so far as surface transit was concerned, they would almost certainly raise the demand for control over air travel. The question of how the West would be able to beat down this demand is beyond the scope of this paper, as it involves a detailed discussion of the effectiveness of Western contingency and retaliatory measures. However, assuming the West succeeded in bringing the communists around to accepting its unilateral declaration, the consequences of such a situation would probably not differ significantly from those under a Solution "C" arrangement.

Viewed in the abstract, a Solution "C" arrangement, or communist acceptance of unilateral Western statements and actions to the same effect, would constitute an advance for the communists on both the Berlin and two Germanies fronts. However, when viewed in the context of the USSR's present loudly voiced firm "commitment" to compel the West by year's end to accept a two Germanies situation and a change in West Berlin's status, either of these "agency" arrangements, properly handled, would in fact constitute considerable backdown by the Soviets.

4. All-German Talks. Four-power sanction of all-German talks is a variation of de facto dealings which does not immediately imply Western recognition of the GDR. The potential pitfalls of such an arrangement are quite apparent. But there are also some possible advantages.

The persistent East German demands for all-German talks, held on a parity basis and on a government-to-government level, and, for that matter, their appeals for a German "confederation" are quite obviously designed not to further German unity but to formalize Germany's division into two states. Taken at face value, talks such as those proposed in the Soviet aide memoire of June 4 -- to agree on the terms of German unity within a narrow time period or else all parties will agree to formalize a two Germanies solution through such a peace treaty -- are patently designed to enhance the sovereignty of the GDR and to sound the death knell of German unity. (As Khrushchev said, the USSR no longer has any responsibility for German unity, these talks would show that the two Germanies cannot agree on unity, therefore there would be no reason thereafter to oppose a two Germanies treaty.)

Any talks held between representatives of the "two Germanies" on such questions as German unity, freedom of travel, referendums, and confederation, would almost certainly be cited by the communists to support

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recognition of East Germany. Whether this would, on balance, be the result is open to question, as this depends on the circumstances and terms of the talks.

The CDU Government has adopted a conservative approach to bi-lateral talks. Indeed, it has contributed to a paradoxical situation. The communists, because they would have everything to lose through unification, quite rationally seek to preserve the all-German status quo, oppose any real steps toward unification, and take refuge in procedural proposals which they have reason to believe the West will reject. The FRG operates from an absolute position of political strength on the question of German unity, but even so -- and the US must share this responsibility -- has often demonstrated timidity and an overestimation of the opponent's diplomatic agility in regard to all-German talks. Since the FRG has been able to devise a formula for conducting all-German talks on trade relations for a number of years without compromising the German unity question, perhaps this dexterity in commercial fields can be applied to all-German talks on selected aspects of German unity, an issue on which the communists are wholly on the defensive. To put this statement differently, if Khrushchev can argue that all-German talks should be held in order to show by their lack of agreement that German unity should be abandoned because the USSR maintains this is an all-German question, then the West can argue with greater conviction that German unity should and must be brought about by supra-national efforts (by the four occupation powers, even UN intervention) when the GDR regime is revealed conclusively through all-German talks as opposed to unification and the wishes of its subjects.

In short, all-German talks could be a serious set-back or a gain for the West depending on its diplomatic skill.

5. Oder-Neisse Line. In both public statements and diplomatic approaches, the USSR has stressed strongly the need for the West to recognize the Oder-Neisse line. It is difficult, however, to assess the true importance Moscow attaches to this action, because recognition of the border would be likely to have some positive, as well as negative, consequences for the US.

Perhaps the chief negative result from the US viewpoint would be the adverse consequences within the FRG. This is discussed below. In addition, recognition of the Oder-Neisse line would have the effect of confirming the post-war division of Germany, including implicitly its division into two states. For these reasons, the USSR would probably regard recognition as favoring, on balance, its interests.

Even so, Western recognition of the Oder-Neisse line would deprive the USSR of a major propaganda issue (both within and outside the bloc) in imputing aggressive intentions to West Germany.

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Moreover, this action would deprive the USSR of an important trump card in its relations with Poland. While the Polish regime has never ceased publicizing its fear of German "revisionist" designs on the disputed territory, privately it has also been quite fearful of a Soviet-German deal at Polish expense at some future point. Formal Western recognition of the Oder-Neisse line would thus tend to reduce Polish dependence on the USSR. While this is not likely to have any immediate effect on Polish-Soviet relations, since there are many other factors which make the present Polish regime dependent on the USSR, in the long run this reduced dependence could prove important in weakening the internal cohesion of the Soviet sphere in Europe. In this connection, it should be noted that Western recognition of the Oder-Neisse line would also deprive the Polish regime of an important internal propaganda issue. Since 1945 this has been the only issue evoking popular responses and has been heavily relied upon in the regime's anti-Western and anti-Catholic propaganda campaigns.

6. "Hallstein Doctrine". An action toward enhancing the GDR's international status which would be of considerable significance to the GDR and which would at least in the beginning skirt the issue of legal rights would be a simple decision for West Germany to abandon the Hallstein doctrine. (The so-called Hallstein doctrine is the West German threat to break diplomatic and possible economic ties with states formally recognizing the GDR. The prospect of losing West German trade and credits has been a prime deterrent to numerous states inclined to accept East Germany. For those nations priding themselves on neutrality, the prospect of being forced into direct involvement in the East-West controversy is a further deterrent.) Revocation of the Hallstein doctrine would pave the way for the GDR's diplomatic acceptance by a number of the smaller and newer states. Once that pattern was established, the value of recognition as a negotiable instrument would be less.

B. West German Reactions

1. Introduction. Since the present West German Government has achieved and held the substantial support of most Germans, including the opposition Socialists, whose program aims now closely accord with those of the Government, the effect of recognition of the GDR can be most readily examined by reference to the impact on West Germany's main policies, all of which are tied closely to foreign policy.

In essence FRG foreign policy has been devised to foster the security and rehabilitation of Germany. Basically the policy relies on cooperation with the Western European nations, the UK and the US, in a variety of regional associations. Bilateral relations have been characterized by the clear intent to keep them modest, non-contentious, ancillary to and intended to support the viability of the regional associations or important members thereof.

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Underlying the entire policy, however, is the FRG reliance on the US. It is estimated that in extremis the FRG would try for and be satisfied with an iron-clad bilateral association with the US alone. It is to be stressed that to date FRG foreign policy rests on dependence, both imposed and opted.

FRG policy toward East Germany and Eastern Europe is the one policy that has been determined to an appreciable extent by German attitudes. Here the German policy is not counter to that of her Allies -- indeed it is a policy of denial more than anything else -- but it reflects in visible form some deviation. This is epitomized in the Hallstein doctrine and the non-recognition of communist satellite states.

2. Initial Reaction to Recognition. Although few in West Germany expect the early reunification of East and West Germany, Western recognition of the GDR would be taken by West Germans to signal that Germany would remain split unless agreement would be reached on Soviet terms. The psychological impact would be adverse and pervasive, even if some compensation was included in the package. In the absence of some benefit for the West, the Germans would take Western recognition of the GDR to signify that their almost total dependence on Western regional associations was misplaced and guarantees by such associations of questionable worth.

In sum, the credibility of Western guarantees would drop sharply. Soul-searching would lead to questioning the very foundation of West German policy since World War II.

3. Effects. Inertia, habit and the precarious location of West Germany would prevent immediate large scale revision of present West German policy. Apart from emotional displays, the early effects would be on the domestic political scene. Both the right and left would tend more toward nationalism and attract more and more followers. The socialist neutralist wing would be revived and strengthened. Gradually the FRG would concentrate attention on itself as an independent nation rather than on the FRG as part of NATO, the EEC, OECD, or the Atlantic Community. West Germany probably would continue its participation, but would become increasingly assertive, if not aggressive. The FRG would reduce its support of Allied efforts in the underdeveloped areas and ultimately either discontinue participation in the Allied effort or give aid on a bilateral self-serving basis.

The FRG might give some attention to building a Franco-German front, including a military and nuclear buildup aimed at a European third force concept.

Always and increasingly German opinion would tend to consider the necessity and desirability of Germany striking its own bargain with the East. How far this would carry policy cannot be estimated without positing an infinite variety of conditions. The possibility cannot be excluded

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however, that after probing in various directions for a substitute for the discredited associations with the West, the FRG would turn to accommodation with the East. It is not believed that the Germans could hold an independent solitary stance for a very long period.

What has been said above would apply to the mental reactions of West Berliners. Their location, however, circumscribes their possible physical reactions.

4. "Compensating Improvements". The reactions described above to Western acknowledgement of the full sovereignty of the GDR in the Soviet Zone of Germany could be tempered by "compensating improvements." Anything which maintained present actual circumstances physically unchanged would blunt or slow policy changes. Unless the compensating improvements involved real changes accepted by Germans as positive, or offered grounds for reasonable hope for improvement with no actual change in present conditions, the underlying mood of Germans would be as described above, although it might not be expressed in actions.

In considering the reactions in the FRG and West Berlin to de jure recognition, there are two important features which are not dealt with in these comments: (1) recognition with advance consultation and agreement by the FRG, and (2) recognition without participation of the FRG in the taking of the decision.

In case (1) -- which could permit the FRG to withhold recognition of the GDR although the Allies extended it -- the reactions and actions of the FRG might well be milder in degree than suggested in this paper.

In case (2), the FRG reactions and actions probably would be about as indicated, but quite possibly would be more severe and even unpredictable.

5. Reaction to Recognition of the Oder-Neisse Line. The vocal and sentimental reaction would be sorrowful, regretful, perhaps embittered. The reaction would be tempered somewhat if recognition were part of a package that included some things considered of real worth to West Berlin or the FRG or both.

If nothing else in the package went seriously counter to the Western positions and proclamations, the West Germans and West Berliners could accept the act of recognition -- albeit grudgingly. In fact at least some politicians and members of the Government would be relieved that they would not have to take the blame for giving away a part of the homeland that practically no one really expects to get back. This relief would be countered by disappointment that the Germans did not have the opportunity to bargain the border for something in a final peace settlement. There would be some furor among radical conservative and refugee elements, but

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it is estimated that this would not per se be of serious consequence. It is possible, however, that at some future date the issue might become an important one in Germany in a fashion similar to the Versailles Diktat.

III. RECOGNITION AS AN ELEMENT IN A BERLIN SETTLEMENT

A. Limits to Soviet Concessions

Before considering what the USSR might offer or agree to in return for various steps toward recognition, our task will be simplified if we determine what will not be conceded.

The history of Soviet handling of the Berlin question over the past 33 months demonstrates fairly clearly the limits to any concessions the Soviet Union is prepared to make on Germany, for the foreseeable future at least.

First, Moscow has no intention of agreeing to or seriously working toward the unification of Germany.

Second, Moscow almost certainly will not agree to any proposal by which it would forego the "right" to conclude a separate peace treaty with East Germany (i.e., accept the idea that a German treaty can be concluded only with a unified Germany), or which would tie its hands for an indefinite period in contesting West Berlin's present status (i.e., an agreement which would confirm existing Allied rights in Berlin until the formation of a unified German government).

Finally, Moscow almost certainly will not accept an agreement conferring "free city" status on all of Berlin which contained reasonable guarantees that the unified free city would remain independent of the GDR.

To deal with the specific issue at hand, Allied de jure recognition almost certainly would not buy a Soviet agreement to maintain indefinitely the occupation status of Berlin. Conceivably the Soviets might accept such a deal (calculating that de jure recognition would in fact undercut the Allies' position in Berlin), and then at a later date seek to renege on the agreement by raising fresh demands for a change in West Berlin's status (the West would be unable to disengage from its side of the agreement as the effects of recognition could not be undone). It is much more likely, however, that the USSR would choose to keep open both lines of attack -- that is, maintain its freedom to work for a change in West Berlin's status and for international acceptance of the GDR -- even if this required a gradual, step-by-step approach in each instance.

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An agreement to exchange de jure recognition for Soviet abandonment of its two Germanies policy would of course be out of the question. De jure recognition would in fact mean Western acceptance of the two Germanies.

B. Negotiable Arrangements

Broadly speaking, there appear to be three general approaches toward arrangements on Berlin which would be considered negotiable. It would be possible to improve on the Soviet proposal for a West Berlin "free city" assuming the West were prepared to take this step; an "interim" arrangement on Berlin could be worked out; or negotiations might be prolonged indefinitely in the hope of working out better terms. As an additional alternative, the West could also seek to contain the effects of the separate peace treaty should the Soviets sign one, negotiating toward stabilization of conditions in Berlin despite the treaty. 1/

There are numerous permutations and combinations whereby one or another step enhancing the international status of the GDR might figure in a negotiated settlement. The Soviet estimate of Western resolve would also be a key factor in determining what the USSR would or would not accept. The following discussion, therefore, is confined to salient issues and general conclusions.

1. Modification of Existing Soviet Proposals. The past history of negotiations with the USSR has indicated that the Soviet proposals for a West Berlin "free city" are subject to considerable modification. The Soviets have recently suggested such modifications as the introduction of the UN into the Berlin picture. Should the West show interest in negotiating a new status for Berlin, the Soviets would probably agree to an arrangement whereby the UN acted as "guarantor" of the "free city's" status and controlled non-German traffic to West Berlin; i.e., UN controllers man the surface and air checkpoints. (A land corridor between the FRG and West Berlin would almost certainly be rejected outright on the grounds it denied GDR sovereignty. Pravda July 20, 1961 flatly rejected a proposed agreement in which de jure recognition of the GDR would be exchanged for a corridor to West Berlin. Pravda asserted that the corridor "would be a gross interference in the internal affairs of the GDR, undermining the basis of that country's national sovereignty.") Although UN control of the access points would mean a derogation of GDR sovereignty in one sense, the Soviets would find compensation in the fact the UN would almost certainly be

1. See INR memorandum on Likely Soviet Negotiating Positions on Berlin and Germany, July 18, 1961, for specific details of such negotiating approaches and their implications.

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obliged to come to some sort of agreement with the GDR, thus assuring the latter's eventual acceptance in the UN. Furthermore the GDR would then be in a position gradually to challenge the UN's toleration of "disruptive activities" in West Berlin inimical to the GDR regime.

Establishment of a "free city" in West Berlin in almost any form would have the effect on bestowing de facto recognition of the GDR. However, the West could probably improve its bargaining position for "guarantees" by granting certain concessions on the recognition issue.

2. Interim or Limited Agreements. The major Soviet aim to date in negotiating on interim agreements have been to attain some evidence of "progress" on the Berlin or "two Germanies" issue and to keep a free hand to raise new demands at the expiration of the agreement period. The final form an interim or limited arrangement would assume could only be determined at the negotiating table and would depend not only on the bargaining concessions brought to bear but also on Soviet estimation of Western resolve. Various steps toward recognition of the GDR could be utilized to win better terms for the West in an interim arrangement; they would not buy an indefinite affirmation of Western rights.

3. Prolongation of Talks. Given a high appreciation of Western determination to stand firm, the USSR may well agree to remand the issues under discussion to another forum, from foreign ministers level to a summit or vice versa. Or the Soviets might accept the establishment of a four power commission without specified terminal date to deal with the German settlement, these talks could be spun out over an extended period, thereby defusing the present Berlin crisis. Attaining Soviet acquiescence to such an arrangement would almost inevitably require Western acceptance of the GDR in some form since the USSR would certainly insist on the inclusion of advisors from the "two Germanies" in commission. How long such a prolongation would be permitted to continue would depend both on the progress being made in the talks and Soviet estimates as to the consequences of interrupting them.

4. Containment of the Separate Treaty Consequences. Should the Soviets consider themselves "compelled" to sign a separate peace treaty with East Germany, conditions pertaining to West Berlin and its access may still be subject to negotiations depending on the reasons which induced the USSR to conclude such a treaty. The several possibilities for arrangements on access following the conclusion of a separate treaty are discussed above in the section on "de facto dealings."

The Soviets would be extremely reluctant to accept a Solution "C" arrangement, but they might go along if they had a high appreciation of Western resolve and if the West offered subsidiary face-saving concessions. Communist acceptance of an "agency" arrangement unilaterally declared by

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the West within the tolerable limits outlined above might also be acceptable to the communists, but this would only be after a vigorous East German effort to gain control over air traffic and extensive tension-raising maneuvering by both sides.

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Alternative Negotiating Position on All-German Matters

I. Rationale

A. Method and tactic

This paper considers a possible alternative negotiating position on all-German problems that might be put forward if such an initial proposal as that suggested in the S/P paper of August 30, "An Initial Negotiating Proposal on Berlin and Germany" is rejected by the Soviets, yet elicits enough positive reaction to indicate that negotiations are feasible and might profitably be pursued further.

It deals, therefore, with a possible stage in negotiations at which both sides become involved in serious exchanges with a view to working out an agreement by mutual give and take.

Although it considers mainly all-German matters, it necessarily touches upon and is, to some degree, contingent on negotiations on Berlin and European security, since all these matters are integrally related.

In referring to "alternative" positions, it is intended to stress the fact that new positions we might offer are not

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to/ seen as retreats or one-sided concessions ("fall-backs" in the usual terminology) but rather as aspects of a bargaining process in which both sides modify their initial positions on terms mutually advantageous.

Both sides, presumably, will state initially extreme positions that are far apart and quickly seen to be non-negotiable. If agreement is still desired by both sides, they will then probe and explore possibilities of reducing the gap between them and, through diplomatic bargaining, of narrowing differences and reaching areas of agreement that offer advantages to both, in that the attainment of the end result tends to outweigh the losses involved in specific concessions made to achieve it.

Hence our alternative positions must possess a high degree of flexibility, containing alternatives within alternatives, contingent at every stage upon the corresponding adaptability of Soviet positions in approaching mutually agreed objectives. They should be formulated in terms calculated to induce modification of Soviet positions

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favorable to an approach toward agreement in that they open up possible net advantages for both sides.

B. Substance

In keeping with the foregoing analysis of the purpose and method of negotiation, the substantive purpose of negotiation might be defined thus: we should seek to find, to develop, and to build upon identifiable interests common to the USSR and the Western Allies in the Central European area, and on this basis to modify some of the elements in the position of each side which seem to impinge unfavorably upon interests of the other. Thus we might move from a confrontation of wishes toward a complementarity of purposes.

The all-important interest which the USSR and the West have in common in Central Europe is an immediate and enduring stabilization of the area so as to end the sequence of crises and disturbances which have since 1945, and in fact since 1914, made this area an international danger zone of the first magnitude.

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Germany is the dominant force in this area, as well as being the major site of Soviet-Western confrontation. Hence negotiations, however much they seem to have been necessitated by the Berlin crisis, must deal with Germany. This means, actually, with the two Germanies - their relations with each other, with a divided Berlin, and with the rest of the world.

Our approach to the all-German problem should recognize these facts and purposes:

1. German reunification is not realizable according to plan in the near future, but is a continuing and deeply-felt ultimate objective of all Germans. Our policy must make allowance for both of these facts.
2. The West, including West Germany, must accept the existence of the GDR in planning for the measurable future. The degree to which we would accord some degree of de facto recognition, or even de jure recognition, would depend on the progress made toward Soviet-Western agreement in other respects.

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3. We should direct our policies, for the immediate future, toward achieving a more stable, prosperous and respectable GDR.
4. We should seek to expand contacts and relations between the two Germanies as means of utilizing the as yet unexploited potential of the FRG to influence East German development, and also to reduce East-West German tensions and increase stability in the area. It would even be desirable that East and West Germany should converge toward a level of more nearly equal economic prosperity.
5. We should seek, through a gradual working out of the German problem, to alleviate tensions between the Germans and their Eastern neighbors, and thus to extend the zone of stability east of the German frontiers.
6. We should avoid pressure on the two Germanies to unite, or to accept any specified plan of unity. Whether to unite, and how, should be matters left to the Germans.

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the Germans. The way should be left open toward any type or degree of unity, (confederal or federative) or even indefinite separation, that the Germans may choose. Therefore there should be no attempt in our plans for the future to spell out the timing or the terms of German reunification. Our main emphasis should be on making Central Europe stable, safe and secure, while leaving the internal German problem to be worked out over time.

II. Components

The main elements in a Western negotiating posture are suggested here less as fixed positions than as a range of alternatives that might be variously offered, depending on the Soviet response and the developing possibilities of progress toward agreement on mutually acceptable terms. It is assumed that neither side has the power to intimidate or coerce the other into acceptance of terms held incompatible with essential interests, yet that there exists room for
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maneuver, bargaining, and genuine negotiation in matters that do not prejudice the underlying minimum essentials of either side.

A. Extension of Time Span of Western Peace Plan

The time-span of the Western Peace Plan, as presented in revised form initially, would be extended from 2½ to 7 (alternatively 10) years. There would be no irrevocable commitment to German reunification even at the expiration of this period. The rate of progress would depend rather on the activity and extent of agreement reached in the Mixed German Committee (or All-German Council). The Plan and the All-German body would be subject to indefinite prolongation, contingent on satisfactory arrangements on Berlin and on European security.

B. De Facto Dealings with GDR

We would avoid de jure recognition of the GDR or even formal de facto recognition, while nevertheless showing a readiness to engage in de facto dealings with it that the USSR and the GDR could interpret as equivalent to de facto recognition.

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We would, in this connection:

1. seek to enlarge to an optimum degree, personal, cultural and economic contacts and relations, including mutual aid programs, between the two Germanies (alternatively, including Western credits and other forms of economic aid to the GDR, contingent on Soviet and GDR acceptance of satisfactory Berlin and European security arrangements).
2. accept some degree of GDR participation in administering Berlin access arrangements, though not in exercising actual control in any way over access (feasible under Solution C, and possibly other Berlin plans).
3. be prepared to deal with the GDR respecting the removal of "irritants" or objectionable practices in both East and West Berlin.
4. urge the FRG to abandon its "Hallstein doctrine" (barring diplomatic relations with any state, except the USSR, that recognizes the GDR).
5. encourage

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5. encourage inter-governmental contacts between the FRG and GDR at higher than technical or expert levels, including limited political contacts.
6. cease to attempt to bar GDR admission to public and private international organizations of a non-political character, including specialized UN agencies.

Our willingness to move along any of these lines would depend on Soviet and GDR readiness to be forthcoming in these and other respects.

C. Mixed German Committee

In keeping with the foregoing points, the significance and role of the Mixed German Committee would be considerably enhanced. It would come to have a quasi-permanent character. It would be the chief liaison agency through which the two German states would regulate their relations and explore possibilities and modalities for eventual economic and political integration.

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Alternatively, provided that the GDR grew in respectability and stature, the Committee might be converted into an All-German Council including governmental representatives and exercising correspondingly greater influence in German affairs.

D. Frontiers

We would go clearly on record as opposed to any forcible change in existing German frontiers. Alternatively, if the Soviets are forthcoming on Berlin and European security, we would announce our intention to approve these frontiers, including the Oder-Neisse line, in a final German settlement (this need not bar minor or technical border rectifications).

E. Twin State Treaties

If at the end of the seven year term specified in A (or alternative period) German unity had not been attained or substantial progress toward it achieved, we would propose that virtually identical treaties (state rather than peace treaties) be negotiated with the two German governments, one by the US and others with the FRG, the second by the USSR and others

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others with the GDR (the USSR might elect to sign both treaties).

Such state treaties would formally terminate all vestiges of "occupation" and other postwar residues. They would reaffirm the termination of the state of war, and deal broadly with frontiers, political and economic matters, Berlin (incorporating whatever Berlin arrangement had been agreed on), claims, and settlement of disputes.

These treaties would not be deemed to preclude German reunification on whatever terms agreed on by the All-German body (which, under the treaties, might become an All-German Council with significant powers), and the Four Powers. They would, in that event, be superseded by an All-German peace treaty.

F. Four Power Commission

A Four Power Commission would be created, without specified terminal date. It would consider the terms of a German settlement (reunification, peace treaty, etc.), depending on progress made by the Mixed German Committee. It would also provide a standing forum for consultation among the parties,

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the parties, to supervise the carrying out of agreements, and to settle disputes that might arise before conclusion of a peace settlement.

A main function, also, would be to formulate and supervise security arrangements governing the Central European area. In this respect the Commission would coordinate its activities with disarmament negotiations in other forums as these pertained to Central Europe.

German observers [advisers?] would be attached to the Commission. In matters relating to European security, representatives from Poland, Czechoslovakia, and possibly Benelux, would be included.

G. Peace Treaty

We would submit an outline German peace treaty draft, indicating our views as to Germany's position and role in the international community, including broad guarantees both for Germany itself and for its neighbors vis-a-vis Germany. It would be adaptable to whatever decision the Mixed German Committee (or Council) might ultimately make as to Germany's reunification.

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A Revised "Western Peace Plan"

I. Rationale

At an early, perhaps initial, stage of Soviet-Western negotiations arising out of the Berlin crisis, it will probably be desirable to table a modified version of the "Western Peace Plan" as submitted at Geneva in 1959. ^{1/} This paper suggests the lines of a suitable revision. It would be preferable to submit it, however, as a new proposal without reference to the 1959 document, although in its preparation that would actually be the point of departure.

It would be futile to submit the 1959 Plan unchanged or with only trivial modifications or "refurbishing". This is no reflexion on its intrinsic merits but on grounds of its demonstrated unnegotiability as it stands. To do so would reveal to the world a lack of sincerity on our part in wishing to reach a diplomatic settlement.

While avoiding this extreme, we should also avoid the other of revealing too much of our ultimate negotiating positions.

^{1/} It might be judged best to submit as the first Western proposal a plan for all-Berlin as an international city and seat of the UN. If so, and it were rejected by the USSR as anticipated, the revised Western Peace Plan could be offered. Or it might be presented first, and when discussion bogged down, the Berlin UN proposal could be introduced.

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positions. To attempt radical innovations at the start would tend to alienate the Germans and French, and would strike the Soviets as the beginning of a "cave-in" which they could safely follow up with new and extreme demands. It should also be kept in mind that the difficulties of securing allied agreement on a revised peace plan will be very great, so that it would be undesirable to attempt radical innovations in the short period that is likely to elapse before the first round of negotiations begins.

Our opening position should represent a calculated advance designed to relieve Soviet concerns within reason, without any sacrifice of essentials. It should appear reasonable to objective and neutral world opinion as demonstrating positive flexibility and readiness to meet the Soviets part way.

Yet it must be assumed that this move will be only an opening gambit, and that after some routine consideration of our proposal - and presumably the Soviet Free City and peace treaty proposals as well - both will be rejected and the real diplomatic maneuvering will begin.

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Hence it will be desirable that our first proposal, even though doomed to rejection in its initial form, should possess some indications of advance in our readiness to seek solutions and not merely hold fast to supposedly advantageous propaganda positions. Without such qualities, our proposals would be unlikely to serve as a prelude to serious negotiations, or even to create a favorable impression on world opinion.

II. Modifications of the 1959 Proposal

A. Berlin

1. The all-Berlin proposal (Stage I, para. 2) would be omitted. As noted earlier, this proposal in revised form might be reserved for a possible separate offer at some time that seemed tactically advantageous.

2. There should be included a statement of our determination to maintain the freedom and safety of West Berlin, and our rights there as flowing from victory over Germany and ratified by international agreement.

3. In accordance with the President's declaration

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(July 25) of our "readiness to remove any actual irritants in West Berlin", there should be included a proposal, along the lines of the Geneva "interim arrangement" offer of July 28, 1959, amended to take into account legitimate Soviet concerns. This would include essentially the following provisions:

- (a) Freezing of force levels in Berlin.
- (b) No nuclear arms or missile installations in Berlin.
- (c) Mutually agreed restraints on "questionable" or "unfriendly" activities in Berlin (both east and west), such as espionage, subversive activities, hostile propaganda, and in general acts calculated to disturb established rights, public order, and international security.1/

A UN

1/ The difficulty of formulating such a proposal that would be at all acceptable to the Soviets is underlined by the Soviet note of Aug. 19, recounting their numerous grievances concerning West Berlin. However this offer would be designed only as the first step toward coming to grips with the "internal" Berlin problem.

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A UN representative might monitor
the observance of these agreements.

- (d) Free and unrestricted access to West
Berlin by land, water and air, for all
persons, goods and communications, including
those of forces of Western Powers in Berlin,
in accordance with procedures as of June 30,
1961 /or later date/
- (e) Arrangement should have no automatic ter-
mination date, but might be reviewed
after five years on request of any of the
Four Parties. Such review could in no sense
affect the rights of the Parties respecting
Berlin, which could be modified or abrogated
only by consent.

5. There should be a re-assertion of our belief
that no real solution of the Berlin question was possible
except in the context of an all-German settlement.

Meanwhile, pending such settlement, Berlin could play

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a certain all-German role. It might be the headquarters of the Mixed German Committee (see B), and the site of an all-German assembly if it were convoked.

B. All-German Aspects

There is no actual prospect of German reunification in the foreseeable future. Hence it seems of questionable value and appeal to set forth a staged time schedule (as in the 1959 Plan). Yet our initial submission should again embody our conviction that the only ultimate solution of the German problem is one that realizes the formula of "unity in freedom". However our proposal should indicate our acceptance of the fact that there exist two German states, and that they will probably co-exist for a prolonged period. There should be less emphasis on any precise plan or schedule for reunification, and more on the relations between the two Germanies.

The sections of the 1959 Plan dealing with Stages II and III of reunification should, accordingly, be simplified and altered to stress this aspect.

Specifically:

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Specifically:

1. The Mixed German Committee should be highlighted and its role as a link between the two Germanies given added prominence. To its stated functions (para. 9) should be added the promotion of trade and extension of credits between the two states, with a view particularly to the amelioration of economic conditions in the GDR and the extension of Western influence into that area in a non-provocative manner.

The importance of this emphasis lies in the fact that, recognizing the improbability of early German reunification, our interest is to stabilize conditions in East Germany and to normalize its relations with the West. This would, of course, imply a kind of de facto recognition of the GDR, but this seems inevitable in any case. It need not prejudice ultimate reunification when the time is ripe. Inasmuch as stability in this area is likely to be achievable only under improved economic conditions, we should direct our policies deliberately toward such improvement.

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improvement.

2. The Mixed Committee would also concern itself with preparatory measures looking toward German unity. Hence the provisions respecting reunification might be retained (Stages II, III, IV) with certain modifications.

(a) The one-year time limit on formulation of a draft electoral law (para. 11-b) should be omitted.

(b) The 30 month time limit on the duration of the Committee might be retained (para. 12), but with the presumption that its expiration would not necessarily terminate the Committee, whose duration might then be prolonged by the four powers. Paras. 19-20 should be made contingent and permissive instead of compulsory.

[(c) To para. 22-a should be added: "and also to any limitations that might be included in a peace treaty". This is suggested to alleviate Soviet and East European concern lest a reunited Germany elect to join NATO. It is perfectly

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clear that the Soviets would never accept any plan for German reunification or for an all-German peace treaty that did not include safeguards against this. Alternatively, this change might be reserved as part of a fall-back position to be advanced at a later stage of negotiations.]

[(d) As an annex to our proposal we might attach a draft German peace treaty, indicating in broad outline Western views of the nature of a permanent German settlement, including frontiers, domestic and international status, and security requirement. Alternatively, this could be reserved as a fall-back.]

C. European Security

The security provisions of the 1959 Plan are, for the most part, either anachronistic, unrealistic or both. This part of a new proposal should be revised completely, deleting in particular the security sections in Stages II and III.

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Paras. 3-5 (Stage I) are innocuous, but would become unnecessary.

The new security provisions might be as follows.

1. A standing Four Power Commission should be established to deal with matters arising out of the implementation of the agreement, and more importantly, to consider European security arrangements, including those relating to Berlin (II-A above).

2. The Four Power Commission would undertake to initiate and consider proposals for assuring security in Central Europe, particularly against surprise attack. It would keep in touch with arms control and disarmament negotiations in other forums (UN, other multilateral) and seek to coordinate agreements reached in them with regional arrangements in Central Europe. Such arrangements would come into effect at such times as agreed by the Commission.

3. In matters pertaining to all-German affairs, "advisers" from the two German governments might be associated with

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with the Commission. In matters relating to Central European security, representatives of Poland, Czechoslovakia and Benelux might also be associated.]

4. The Four Powers would enter into a non-aggression pact with one another, pledging the parties to settle international disputes by peaceful means, to refrain from the use of force in any manner inconsistent with the UN Charter, and to withhold military or economic assistance from any aggressor. Such pact would be coterminous with and contingent on a Berlin agreement, as defined in II-A. It would be re-enforced by any more permanent security arrangements that might be agreed later by the Commission.

5. Alternatively to 4, or as a fall-back position, such a pact would be proposed between the three Western Powers, on behalf of the members of NATO, and the USSR, Poland and Czechoslovakia, on behalf of the members of the Warsaw Pact. To assure the full observance of such a pact, a European Peace Commission, consisting of five members each from the NATO and Warsaw Pact countries, would be

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would be created. It would be assisted, in matters affecting Germany, by a German Peace Committee of six German nationals, three designated by NATO and three by the Warsaw Pact group.]

III. Anticipation of More Advanced Positions

The foregoing is designed to adhere closely enough to long established Western principles and positions so that the wrench of a new proposal would not be too great. At the same time, it is intended in its provisions to indicate some loosening up, and even a shift in Western thinking about the future of Germany and the requirements of a sound European settlement. It would, in certain respects, take cognizance of Soviet concerns in this area more than previous Western proposals. It might, even though unacceptable in its initial form, point the way to genuine negotiations through a flexible diplomacy that artfully developed more advanced (i.e. "fall-back") positions that could be used if there were full reciprocity and a willingness to go half way on the Soviet side. A few such possible positions,

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positions, either as alternatives or fall-backs, are indicated in brackets in the text.

The following provisions of this revised proposal might be helpful in increasing the prospect for subsequent negotiations.

1. The omission of the all-Berlin proposal would remove an irritant, especially so in view of the recent closing of the sector border.
2. There would be a more precise "spelling out" of "questionable" activities to be banned in a provisional Berlin arrangement, and additional assurances of enforcement.
3. The switch in emphasis from the role of the Mixed German Committee respecting reunification to its role in furthering cooperation between the two German states would be appealing to the Soviets, as would the evidence of Western interest in stabilizing Central Europe, and of readiness to give economic assistance to the GDR and accord it substantial de facto recognition.

4. The

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only reference to
the Berlin Wall,
construction of which
started

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4. The elimination of the one-year time limit for formulating an electoral law would be helpful. It would prepare the way for possible submission later (as a fall-back) of the Thompson seven-year stretch-out.
5. The suggested addition (II-B-2-C) would remove a major objection to Soviet acceptance of a Western plan. This goes so far, however, that it might be considered preferable to reserve it for a fall-back, and then only on condition that a fully equivalent Soviet concession were forthcoming.
6. Submission of a draft outline peace treaty would give the impression of serious intent. We have not done this to date, whereas the Soviets submitted one as early as 1952.
7. The establishment of a Four Power Commission should prove appealing, all the more so if German advisers were attached to it. This would foreshadow possible future evolution into a future European Peace Commission with wide-reaching functions.

8. Proposal

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8. Proposal of a non-aggression pact would go beyond the mere proposal for a common declaration of peaceful intent as in the 1959 Plan (para. 3), and help meet a Soviet concern that is not sufficiently allayed by the more general provisions of the UN Charter.

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August 1, 1961

BERLIN-GERMANY GROUP

Additional Berlin Papers

To supplement the paper, "Negotiations Arising out of the Berlin Crisis", July 29, it would seem desirable to prepare a number of companion papers, supplementing it and elaborating on certain important points.

The following tentative list is suggested:

1. Strategy. The underlying and guiding strategy should be set forth. This is hinted at but not fully developed in the parts on "concept" and "objectives". Some material was offered in the earlier paper of July 28 as revised July 29, "Negotiations on Berlin and Germany: A Proposed Course of Action", that might be useful and further developed. The focus should be on the entire contemplated sequence of protracted negotiations that could continue for years, not just on the first round or so.

2. Thompson Seven-Year Plan (Doc. D and interview on June 22). This could be elaborated in more detail, considered-pro and con, possible variants suggested.

3. Peace Treaty. L has worked on this (see drafts of early 1959). The range of variants (treaty with reunified Germany, separate treaties with two Germanies, etc.), drafting procedures, scope, content, and the like could be considered. The use of a peace conference as a device for negotiating a way out of the crisis would be the focus of analysis.

4. Berlin and the United Nations (IO has prepared papers; see also Paris tel. No. 547, July 31). This paper could review various suggested possibilities of two types:

(a) bringing

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(a) bringing the Berlin question before the Security Council or General Assembly, and (b) arranging for some kind of UN "presence" in Berlin.

5. A Two-Germany Situation. This paper would come to grips with the East German problem in relation to the crisis. To what extent should we recognize the GDR or have relations with it? What of its role in Berlin access arrangements? To what extent promote FRG-GDR contacts and relationships? Should we aim to bolster and perpetuate the GDR, seeking to induce a more normal growth and greater stability and respectability? If so, how? Should we favor, or could we accept a "confederal" arrangement?

6. Provisional Berlin Arrangement. More intensive study of such a possibility is needed. Is there some modification of the Soviet "Free City" we could accept? What guarantees re "questionable" activities could we give? How could our access rights and self-determination for West Berlin be assured so as to "save face" for Khrushchev? Is any all-Berlin plan feasible? (a UN solution would be considered under 4).

7. European Security Arrangements. The items suggested in the paper and possibly others, should be examined more fully. The paper might go beyond this to weigh various types of "thinning out" of forces, withdrawals, zonal denuclearization, etc. Even so-called "disengagement" proposals might be looked at.

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DEPARTMENT OF STATE

POLICY PLANNING COUNCIL

DEPARTMENT OF STATE

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July 21, 1961

TO: 1961 JUL 21 PM 4:11
S/P - Mr. McGhee
Mr. Morgan
OFFICE OF DIRECTOR
FROM: S/P - Mr. W. Fuller *just*
SUBJECT: Berlin: The Fourth Way

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As events are now developing, it would appear that there will probably be a dénouement of the Berlin crisis within the next six months or so. There seem to be only four conceivable outcomes, as follows:

1. The US and its Western allies, at the climactic point of the crisis, back down to avert general war, conceding Khrushchev the essence of his demands and thereby an impressive diplomatic victory.
2. The USSR backs down at the critical stage, convinced that the West is ready to go to the brink and over, and being unready, itself, to risk general war for Berlin. This would denote a resounding diplomatic defeat for the Soviets.
3. Neither side backs down or makes any substantial unilateral concession; a military showdown results in local action, almost certainly escalating to general, nuclear war.
4. At some stage prior to "3", both sides, deciding that so irrational and catastrophic an outcome as general war must be avoided, enter into negotiations, from which an agreement representing either a mutually acceptable accommodation of the opposing positions, or at least a mutual decision not to seek any change in the status of Berlin by unilateral action, emerges.

Our policy decisions respecting Berlin during the months ahead should rest on our estimate of the likelihood and acceptability of each of these alternative possible developments.

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Following is an estimate that, it is believed, corresponds to the facts as we now know them:

1. This course is quite unlikely (the only possibility being that our major allies, including the Germans, refuse at a late stage to go along). It is completely unacceptable; we would probably, even if isolated, opt for course "3" instead.

2. This course would be most acceptable to the West, but it is scarcely more likely than "1", first, because of the inherent difficulty of making the Western deterrent credible to the Soviets at an early stage, and second, because Khrushchev has staked his prestige too deeply to retreat at a later stage.

3. This outcome is unacceptable as an option to either side except in dire extremity. It is improbable, viewed as a deliberate choice, yet clearly possible, as in a crisis leaders could easily lose control over events, or be driven to take irrational risks.

4. This course would appear, in view of the above, to be the only really acceptable and feasible way out of the Berlin dilemma. It seems probable, to the extent that the USSR and US are not deluded into believing that the first and second courses, respectively, are likely to provide a way out.

The foregoing facts represent the nature of the crisis of the next six months stripped down to its stark essentials. They impose upon the US and its allies the grim "necessity for choice". If these facts are admitted, and it is believed they must, in essence, be conceded to be as stated, every consideration of logic, common sense, and even sanity, requires that we endeavor by all means at our disposal to direct events into the fourth course. This means that, throughout all our efforts, we must keep steadily before us the goal of genuine, serious negotiation with the USSR respecting Berlin.

This may

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This may seem a truism. Yet there exist currents of thinking that hold negotiation on this issue infeasible, undesirable, or both. And there are powerful forces now operating that tend to make any successful outcome of negotiations, or even their initiation, extremely difficult.

West Berlin is, of course, vastly more significant than an isolated city of two and a quarter million. It is the focal point, pivot and symbol of one of the great power confrontations of history. To cite only a few, there were the rivalries of Athens with Sparta, Rome with Carthage, medieval Christian and Saracen, Hapsburg and Bourbon, and England vs. Germany in 1914. These all eventuated in war. There is little in the historical record to indicate that such deep and bitter conflicts as that of today can be resolved without war. But there is also the utterly novel factor today of nuclear weapons, so that armed conflict could entail a general holocaust. This is the "new fact" of history on which Karl Jaspers rings the changes in his book, The Future of Mankind.

The analogy between the crisis of 1914 and that of 1961 is apt in several ways. Some similarities may be noted:

In 1914 a strong, new state (Germany) challenged the older, long-established powers (of which England was then the foremost). Today the USSR is a new and stronger incarnation of Tsarist Russia, challenging earlier arrivals on the world stage.

In 1914 the gut issue was an inexorable rivalry on a global scale rather than clashes of interest on specific issues. The same is true today. It is difficult to negotiate a rivalry.

In 1914, the mid-summer crisis was marked by an ultimatum, succeeded by moves on both sides toward stepped-up military preparation and mobilization, begetting mutual fears, escalating beyond control to general war. Some such symptoms are already perceptible in the summer of 1961.

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In the 1914 crisis communication between the Great Power chancellories virtually broke down. Governments resorted to desperate measures in ignorance of what their adversaries were doing and planning to do. A partially analogous situation has developed since May, 1960.

War resulted in 1914 essentially from accident and miscalculation, rather than being deliberately planned or desired by any of the powers. This could happen in 1961.

In any crisis such as that of today, the very existence of what seems an inexorable and irreconcilable conflict of interest tends to diminish the possibility of a solution by accommodation of differences. The differences go deep - there appears to be no way to close, or even reduce, the gap. Issues appear to be "non-negotiable".

Looking more closely at the present situation, we note a number of elements in it that militate against negotiation.

We wish to negotiate, if at all, from a position of strength. But this is no monopoly of one side. Our actions to build the requisite military, economic and political strength to buttress a strong negotiating position evoke corresponding actions by the other side.

As warlike preparations proceed on both sides, fears and tensions rise accordingly. We confront that ancient dilemma that what we deem purely defensive measures are seen as offensive and provocative by our adversary. The scant trust between us diminishes still further.

In this situation, both parties tend to become rigid and unyielding in their positions. Both fear that any indication of flexibility or willingness to compromise will be interpreted by the opponent - and by allies - as a sign of weakness and disposition to yield on essential points. Diplomacy tends to become frozen. For a coalition, it becomes in a crisis especially painful to modify positions

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arrived at and agreed only with great difficulty. Any shift is likely to be viewed as a rift in the alliance.

Thus we seem caught up in an almost irresistible tide that draws us closer, not to the negotiating table, but to war.

What, then, can we do to advance the prospect for a diplomatic resolution of the Berlin crisis?

Despite the formidable obstacles in the way, we can hope to increase the possibility of negotiations under reasonably auspicious circumstances if we observe the following rules:

- a. We should proceed firmly, but with due caution, along the road of building strength as a point d'appui for negotiation. To overdo this, or to over-stress the military factor, would merely provoke counteraction and escalation of armaments and yield no net advantage. Our behavior should reflect a mood of calm assurance rather than panic. It may, at times, have a tinge of "calculated recklessness", but with calculation well in the forefront.
- b. There is much talk, and rightly, of making our deterrent credible, even to the extent of demonstrating that we will go to the end of the road if necessary. But we also need to make our willingness to negotiate credible. This cannot be done by reiterating old positions that have proved valueless for negotiating purposes in the past. Nor can it be done by advancing no proposals of our own while consistently rejecting all Soviet proposals. Our intent can be convincing only if we steadily affirm our readiness to negotiate, examine objectively and without prejudgment all Soviet

proposals,

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proposals, and, most important of all, make constructive proposals of our own that are plainly motivated by the desire for a solution and not merely for propaganda advantage.

- c. We should be more hesitant about categorizing issues as "non-negotiable". Too often we apply this term to positions which have seemingly become so by custom and usage. They tend to become absolutes in our thinking. We need to be aware that all such positions arise in the context of events, and should therefore possess a quality of relativity and flexibility. After all, to be ready to negotiate about a position need not mean that we are prepared to give it away, to retreat or surrender. It merely means that we are ready to talk about it, and about other positions that others may hold. It seems questionable if any issue is really non-negotiable if the alternative is universal destruction.
- d. We should, above all, avoid thinking of the conflict in terms of a sharply dichotomous clash of ideologies, not just because it is dangerous but because it is untrue. It is no apocalyptic struggle of systems but, like other great conflicts of history, essentially a struggle in which power, will and moral factors are likely to determine the outcome. To view it as a contest of right and wrong, and thus diabolize the enemy and give an almost theological connotation to every issue, is to rule out all possibility of accommodation of differences through the negotiating process.

In days which, in the prophetic words of Churchill, seem "laden with doom", we should attempt to muster every resource at our disposal to find the only feasible and hopeful way out of the Berlin crisis, the fourth way. This Government,

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and the Department of Defense in particular, has the important duty of mobilizing and maintaining our military strength, as it may be needed, for the test ahead. But this is essentially a holding and deterring operation. It cannot resolve the Berlin enigma. It is the equally important duty of this Government, and of the Department of State in particular, to bring all the available resources of reason to bear in order to find a solution of this problem through quiet, peaceful diplomacy. For there can be no other solution. And the alternative is catastrophe.

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July 17, 1961

BERLIN-GERMANY GROUP

Outline of Policy Alternatives

Note. This outline sets forth most of the alternative proposals respecting a Berlin solution that seem worthy of consideration. The main categories are included, but not all the numerous variants of each. Parenthetical references are to documents distributed to members of the group. There is no attempt here to evaluate the various proposals.

A. Assumptions

This outline is prepared on the following assumptions:

1. That Soviet intentions in stirring up a crisis are mainly to consolidate and stabilize the bloc position in Berlin and Central Europe without undue risk of war, and secondarily to inflict a diplomatic defeat on the Western powers, chiefly the US (Doc. K; S/P paper of July 8, "Dealing with a Developing Berlin Crisis").
2. That the US and its allies cannot, and in a showdown if it comes, will not permit themselves to be pushed out of Berlin by unilateral action, threat or intimidation; that they will, if necessary, take the risk of nuclear war to avert such an event; that any action or negotiating policy by West will have concurrence at least of major Western powers, including Federal Republic.
3. That the crisis is likely to go through three stages:
 - a. July to September 17 (or Soviet party congress in Oct.), during which it will not become acute and the USSR will take no decisive steps; US and West undertake preparatory measures.
 - b. Sept.

1st
phase

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2nd
phase

- b. Sept. (or Oct.) to about end of 1961, from Soviet convocation of a "peace conference" to signature of a separate treaty with GDR (if crisis not resolved before that); implementation of earlier stages of contingency plans.

3rd
phase

- c. From signature of separate treaty to physical interference with Western access to Berlin (if crisis not resolved before such action); implementation of later stages of contingency plans.

B. Alternative Tactics

1. Ignore Soviet moves and prepare for military showdown (on grounds this is best, or only way to make our deterrent effective in time).

2. Take initiative in 1st phase, to bring about a negotiated settlement before crisis reaches more acute stages.

3. At beginning of 2nd phase, be prepared to table Western proposals on Berlin and Germany, either at (a) "peace conference" called by USSR, or (b) conference convoked by West (see D below).

4. At beginning of 2nd phase (or earlier) take Berlin issue to UNGA (under Art. 11-2) or to UNSC (under Arts. 34, 35); seek advisory opinion from World Court on legal aspects.

5. Undertake diplomatic counter-offensive (economic, political, psychological) to bring pressure on bloc for acceptable settlement (could accompany 2, 3 or 4). Among other steps, this might include proposal for an all-Berlin plebiscite on status of city; if rejected by the Soviets, a plebiscite could be held in West Berlin. Another measure

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could be the removal of the capital of the FRG to West Berlin, or alternatively, inclusion of West Berlin in the FRG as an eleventh Land.

C. Alternative Negotiating Positions and Proposals

1. Berlin and Germany

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- a. Table Western Peace Plan (Doc. A).
 - b. Offer modified Western Peace Plan (Thompson proposal of 7 year "stretch-out", Docs. D, E).
 - c. Radical departure from Western Peace Plan that might include: provisional but indefinite Berlin arrangement; de facto recognition of GDR; acceptance of Oder-Neisse line; coexistence of two Germanies with goal of eventual reunification but no time-table; non-aggression agreement between NATO and Warsaw Pact members; steps toward gradual military "disengagement" of Soviets and West in Central Europe; possible Central European zone for inspection, later limitation and control of armaments (Doc. F - three papers). 1/

2. Berlin only

- a. All-Berlin solution; in most radical form Berlin would become international city under UN and either seat of UN or its European branch, with unrestricted corridor either to west, or east to Oder and along Oder to Baltic;
a milder

1/ For conflicting views on "disengagement" plans, see: Dean Acheson, "The Illusion of Disengagement", Foreign Affairs, April 1958. George Kennan, "Disengagement Revisited", Foreign Affairs, Jan., 1959. Hugh Gaitskill, "Disengagement: Why? How?", Foreign Affairs, July, 1958. Gerald Freund, Germany between Two Worlds (1961), especially Ch. 8.

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a milder variant could be reunited Berlin under Four-Power or UN auspices, with self-government and guaranteed external access (presumably an all-Berlin solution would mean withdrawal of GDR capital from East Berlin and severing of political connection between West Berlin and FRG).

- b. Interim West Berlin arrangement: some variants are Western Geneva proposal of July 28, 1959; "guaranteed city" plan; "Solution C"; modified "Free City" proposal with western corridor under Berlin jurisdiction (See Doc. G with annex; Doc. C).n Such plans generally call for (1) suspension of exercise of Western occupation rights in Berlin for specified or indefinite period, or (2) replacement of occupation rights by new contractual arrangement among four powers to last until German reunification.
- c. Exchange of West Berlin for East German territory, possibly in western Thuringia, involving transfer of its population, industries, etc., to new site under FRG jurisdiction.
- d. Tacit agreement to maintain present status of Berlin indefinitely.

D. A German Peace Treaty

If events become ripe for consideration of a basic German and European settlement (in 2nd or 3rd phase), the following alternative courses might become available.

1. Acceptance by West of Soviet invitation to peace conference and presentation of Western counter-proposals.

2. Proposal of Soviet-Western negotiations on long-term provisional arrangements on Berlin, Germany and European security; these might be linked with measures for regional arms limitation and control in Central Europe; possibly

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preliminary steps toward a German peace treaty.

3. Convocation of conference (a) of nations formerly at war with Germany, or (b) of nations which made a major contribution to the defeat of Germany to consider drafting of a German peace treaty; submission of a draft outline peace treaty.

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July 8, 1961

Dealing with a Developing Berlin Crisis

A. Soviet Intentions

The Acheson proposals, which now seem to be the basis for immediate planning within the Government, rest on one main assumption respecting Soviet intentions. This is that Khrushchev, feeling confident in his own strength and in the weaknesses within the Western alliance, feels that he can push on with unilateral actions to a point where the US and its allies, not daring to risk nuclear war over Berlin, will concede to his demands. He is not deeply concerned about Berlin, but sees it as an Achilles heel of the West on which he can press to achieve a major humiliation and set-back for the West, and for the US in particular. He sees the Berlin crisis as a contest of wills which he thinks he can win.

Thus our inevitable course is to match him act for act and will for will, indicating clearly to Khrushchev and the world our determination to go to the end of the road, if necessary. This reasoning would appear to

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rest on the further assumption that he is bluffing, and we can call his bluff by a convincing show of strength - mainly military - and invincible will. This^{is}/the only way through and out of the Berlin crisis.

These assumptions, particularly the first one, need to be closely examined, granted that there can be no absolute certainty as to what is in Khrushchev's mind and what he will do in various contingencies.

First, the 32 month record (since Nov., 1958) does not evidence a determination on Khrushchev's part to humiliate the US by unilateral, overt action concerning Berlin. He has held off, reversed himself, backed down time and again. To date he has taken none of his often threatened actions concerning Berlin. This does not justify the conclusion that now, at long last, he will not act from what he deems a position of greatly superior strength. Yet the record must be one factor in reaching a balanced judgment as to his future conduct.

Second, Khrushchev has given striking testimony to his concern about Berlin and the GDR. His initial proposal (Nov. 27, 1958) seemed motivated by a wish to

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remove a vexatious trouble point (Berlin) within the orbit, about which he grossly underestimated Western concern. Realizing this concern, he quickly modified his tactics, disavowed any ultimative intent, and sought negotiations. When these came to nothing (Foreign Ministers at Geneva, 1959), he pressed for a summit. After this proved abortive (May, 1960) he waited with, for him, remarkable patience for the US elections and the settling down of a new administration. That period having elapsed, he is again demonstrating the tactics employed late in 1958, pressing urgently for a solution.

His record, acts and statements indicate not so much that Khrushchev wants to use Berlin to discredit the US (this thesis is a reading into his behavior of our own deep concern about Berlin) as to use it, as an area of Western vulnerability, to bring us into negotiations that would achieve certain immediate and important Soviet objectives in Central Europe - reduction of Berlin as a point of danger and infection to

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the bloc, and stabilization of the area east of the Elbe line, including the fixing of Germany's eastern frontier.

Of course, if he can play the crisis so as to get these things, and, in the process, discredit and humiliate the US, the latter outcome would be an important added gain for him. But, on the basis of the record and the evidence to date, it is not his prime objective or expectation. On this point, most of those within and outside the Government who have expert knowledge of Soviet affairs, concur.

A sound conclusion would appear about as follows: Khrushchev does not hope or expect to coerce us into acceptance of his demands by unilateral action. He does threaten such action repeatedly as a part of his tactic of intimidation, directed more, perhaps, at our allies and at neutral opinion than at the US. He may, sincerely, be of the conviction that in the last analysis we would not go to general war over Berlin. But he is deeply concerned at the deteriorating state of the

GDR

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GDR, the situation in the satellites, and the manifestation that a free Berlin gives of Western presence and prestige within the orbit. His main desire and intent is to bring the Western powers to the conference table, preferably at a summit, with a view to negotiating at least a provisional settlement of these - to him - increasingly vexatious problems on terms not damaging to his prestige, yet not necessarily signaling a diplomatic triumph over the West. He really is searching for an "out", but one that will enable him to save face and claim at least a modest political success in living up to his commitments.

B. Contingency Planning and Actions

The immediate question is: how should the US and its allies conduct themselves during the next few months so as most effectively to deter the Soviets from taking unilateral actions later in the year from which they could scarcely retreat and which could create a serious threat of general war?

The Acheson thesis is that, to have any deterrent effect on Khrushchev, we must act now or soon. Such acts

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must include overt, large-scale military preparations which would convincingly demonstrate our capability and will to use force to resist Soviet pressures against Berlin. These might be accompanied by proclamations of limited or unlimited national emergency, supporting resolutions in Congress, and substantial increases in the military budget. There might be a general alert of SAC and movement of troops to Europe.

Such actions, it is held, would make Khrushchev fully aware of our intents, call his bluff (as he does not really want war), and force him into negotiations in which we would need to make, at most, only minimal and harmless concessions. But to think of negotiation prior to such a demonstration of our strength, is worse than futile - it would be disastrous.

However there are grave objections to such a course. Despite certain positive effects, it would have seriously off-setting consequences. These might be:

1. So to challenge and involve Soviet leadership that its determination and policy would harden and Khrushchev would push ahead to a Berlin

denouement

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denouement. His room for diplomatic maneuver would be greatly reduced.

2. To create in the US a high degree of concern and tension which it would be difficult to sustain during a possibly prolonged crisis.
3. To highlight allied differences and perhaps produce evidence that some of our allies would be unready to support extreme military measures.
4. To magnify in world opinion the image of a US ready to involve itself and the world in a nuclear war over an issue which, to large segments of opinion throughout the world, was not worth the price.
5. To initiate preparations for possible war, certain to be matched by the Soviets, the momentum and psychological effects of which might carry both sides beyond the point of no return, render negligible the possibility of a calmly negotiated settlement, and eventuate in general war by some miscalculation or accident even if not deliberately intended by either side.

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There would appear to be an acceptable alternative to the above course - essentially a modification that would achieve its benefits while minimizing its drawbacks.

This would be to avoid the more obvious and spectacular manifestations of US readiness for military action, while working steadily to improve our military stance, both respecting conventional and nuclear capabilities. Steps now under way would be accelerated. Civil defense precautions would be augmented. The airborne alert could be stepped up. There could be inconspicuous redeployment of some units. There could be increases in some aspects of the military budget. An atmosphere of quiet confidence and readiness for any eventuality could be created. Other actions, not noticeable to the public but detectible by Soviet intelligence, could be taken, of a nature to indicate careful, methodical preparedness for military action if necessary.

Such actions would not impress the Soviets as evidence of vacillation or weakness, but as proof that we took the Berlin crisis seriously and were taking initial actions to prepare for a possible showdown.

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They would not be likely to frighten off our allies, or to alienate neutral opinion. They would be sufficiently apparent to the US public to induce a mood of seriousness without panic. They would be quite compatible with, and in fact helpful toward a strengthening of the Western alliance in both a military and a psychological sense.

C. Keeping the Way Open to Negotiations

The foregoing course of action would be all the more effective if accompanied by evident preparations on our part for an eventual peaceful solution of the crisis through negotiation.

This does not mean that we should now, or at an early stage, make proposals for a Berlin solution. We have properly avoided that in our reply to the Soviet Aide-Memoire. But indication of a readiness on our part for eventual negotiation would not be a sign of weakness. In fact, as seems to be implicit even in the Acheson proposals, a firm military demeanor in the months ahead has, as a main purpose, modifying the Soviet intent to a point that realistic negotiations

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will become feasible. We should not make proposals now, prematurely. But we should be careful to keep the road open to eventual negotiation, and have well-conceived proposals ready when the time is ripe. This means that we must be preparing such proposals now, as clearance within the Department and Government, and with our NATO allies, will take time. There are risks of a leak, but any course is risky, and these are chances we must take.

This line of reasoning rests on the thesis (set forth in A) that Khrushchev is aiming now, as he has in the past 30 months, toward a resolution of the Berlin crisis through negotiation rather than at the humiliation of the US and the West. If the latter is his design, and remains unchanged, we can only prepare for a military showdown. But if it is the former, we can well afford to meet him on his own ground - that of uncoerced negotiation (he has said that he would be ready to consider, not only his "Free City" plan, but any proposals that the West may wish to offer). Various recent hints he has given indicate that he is thinking

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in terms of a negotiated settlement to be reached before the crisis has reached a point of no return.

There is actually no incompatibility between parallel preparations to manifest our readiness for military action if necessary, and to develop a sound and realistic negotiating position for use when the time is ripe. We can not now determine the time or circumstances of negotiation. But to concentrate our efforts solely on military preparations while rejecting any possibility of eventual negotiation would be defeatist and could well prove disastrous. And we should be under no illusions that the proposals of 1959 (Western Peace Plan) will be good enough for another round of negotiations. As they stand, they are as unacceptable to the Soviets as theirs are to us. We must be prepared for modification, probably substantial, of our 1959 proposals if we are seriously concerned with a resolution of the crisis, not just a public relations exercise. Nothing less is likely to avert major disaster.

S/P:LWFuller
July 8, 1961

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